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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

8° VICTORIÆ, 1845.

VOL. LXXVIII.

COMPRISING THE PERIOD FROM
THE TWENTY-SEVENTH DAY OF FEBRUARY,
TO
THE SECOND DAY OF APRIL, 1845.

Second Volume of the Session.

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1845.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FIFTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 4 FEBRUARY, 1845, IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, February 27, 1845.

MINUTES.] BILLS. *Public.* — 1ª. Peace Constables near Public Works (Scotland).

PETITIONS PRESENTED. By the Duke of Buccleuch, from Langholm, for Improving the Condition of Schoolmasters (Scotland).—By the Bishop of Norwich, from Walsingham and 13 other places, for adopting Measures for the Suppression of Intemperance.—By Earl Fortescue, from Exeter, and 3 other places, for Revision of the Rubrics, Canons, and Laws of the Church. — From Northleach, and 2 other places, for Repeal of 57th Clause of the Bankruptcy and Insolvency Act.

TEMPERANCE.] The Bishop of *Norwich*, in presenting fourteen petitions, signed by upwards of 2,000 persons, on the subject of Temperance, said that, as he had paid much attention to that subject, few persons, perhaps, were better able to give evidence on it than himself. On the first introduction of the system of Temperance Societies he was opposed to it, considering it an Utopian scheme altogether; but he was ultimately overborne by the strong evidences of its value and importance, which he found in every direction in which he moved, especially by the many instances of improvement he had observed in the large manufacturing town in which he himself resided. He had witnessed there, not only individuals, but masses of persons, who before had been heedless, profligate, and irreligious, turning over a new leaf when they became members of Temperance Societies, and becoming valuable members of society; and those who had never frequented places of worship before, now regular in their attendance on divine worship; and houses which used to be scenes of depravity and revolting vice, changed into places of comfort and happiness. His evidence on this subject ought to have some weight, as he had commenced by opposing those societies, and had ended by being convinced of their utility. There was no individual who in his day was more entitled to thanks than one of whose name their Lordships had all heard in connexion with the temperance movement; and he was sure that every noble Lord connected with Ireland would be glad to bear testimony in favour of that individual—Father Mathew. It had been objected that that Gentleman was a Roman Catholic; but, be he what he might, they were all aware that he became a member of the Temperance Association in consequence of receiving the pledge from a Protestant, and that, too, a Protestant clergyman. The prayer of the petitions he had to present was, that measures might be taken to promote temperance, especially on the Sabbath Day. By the census of 1841, it appeared that the proportion of beer-shops was one to thirty-two families, and most of those beer-shops were open on Sundays. The consequence was, that the increase of drunkenness on the Sabbath Day was quite remarkable, which was proved by the fact, that the number of drunken cases in York on Mondays was 33 per cent. on the average number of the whole cases of offences. He trusted the Government would not consider this subject beneath their notice. The right rev. Prelate then presented the fourteen petitions, from places in Norfolk, Carnarvonshire, Lincolnshire, Anglesea, Cardiganshire, etc.

REVISION OF THE RUBRIC.] Earl *Fortescue*, in presenting the petitions (relating to the Revision of the Rubric), of which notice had been given on his behalf, said:—I trust, in justice to those who have signed these petitions, your Lordships will allow me to state shortly the proceedings which led to their adoption; because, although those proceedings are in themselves of a local nature, and confined to a particular locality, they are yet, when taken in connexion with opinions which have been expressed, and with events which have occurred both before and afterwards in other places, entitled, I think, to an attention which I should not venture to claim for them if they stood abstractedly and by themselves. On the 19th of last November, the right rev. Prelate who presides over the diocese of Exeter, and whom I am happy to see in his place on the present occasion, addressed a pastoral letter to the clergy of his diocese, in which, after enjoining a more strict and literal conformity with the general directions of the Rubric, he concluded by an authoritative direction for the use of the surplice on all occasions when a sermon was preached, as being part of the Communion Service. Whether the right rev. Prelate was correct or not in his construction of the law on this subject, I will not take upon myself to say; but, be that as it may, I think that, from the discussions which took place in the chapter of Exeter, the right rev. Prelate must have been prepared for considerable opposition and difficulty in carrying those directions into effect, although I believe he was quite unprepared for the amount of resistance which he experienced. On the promulgation of that letter, which was, I believe, addressed to the whole clergy of the diocese of Exeter, through the rural deans, a considerable number of clergymen felt a great objection to depart from the course they had hitherto pursued; and certain it is that the letter produced a ferment and opposition on the part of the lay members of their congregations, accompanied with an amount of excitement which I have rarely seen exceeded even in the heat of election contests; and with this material difference, moreover, that the excitement on this occasion was without the slightest reference to political or party feeling. In fact, the question was most eagerly taken up by the most thinking, religious, and moral portion of the community; and it was, I must likewise state, almost entirely confined, if not entirely, to the members of the Established Church. Requisitions were sent to churchwardens, meetings were convened, and resolutions were passed strongly deprecating the steps taken by the right rev. Prelate—some of them, in my opinion, couched in very unbecoming language. Great irritation of feeling existed among many congregations at the change in the accustomed mode of performing the service of the Church, indicating, as those congregations considered that change to do, a tendency to depart from the generally established practices of our Protestant Church, and to approximate to the usages of the Church of Rome. I beg to be understood as not stating this as my own view of the case; but I am fully borne out in stating it as the feeling entertained by a very large proportion of the congregations in the diocese of Exeter. After this ferment had prevailed for, I think, about three or four weeks, the right rev. Prelate, properly and prudently in my opinion, wrote a second letter, cancelling the directions he had given in the first, and desiring that things should revert to their former course. But, easy as the right rev. Prelate found it to excite the storm, he discovered it to be much more difficult to bring back matters to the state in which they stood before he issued his first letter. I know that in various places where the surplice had been worn by the preacher during the sermon, without the slightest opposition or objection, on former occasions, great dissatisfaction was expressed at the continuance of that practice, after the right rev. Prelate's letter. I may allude to one case which is familiar to the right rev. Prelate—that of a parish in Exeter in which the present minister had for two years worn the surplice, and in which his predecessors had also always worn it while preaching; yet, after these occurrences, so great a storm of discontent arose among his parishioners at his continuing to wear it in the pulpit, that he found himself compelled, under the sanction and advice of the right rev. Prelate, to abandon its use. In this state of things, the parties whose petitions I shall have the honour to present, thought it their duty to apply to this House. The first petition is one from the city of Exeter, which was unanimously agreed to at a large meeting convened by the Mayor, and composed of persons of all parties; but I believe the majority present consisted of those whose politics are opposed to my own. This petition is signed by upwards of 3,200 adult members of the Church. The petitioners state, that they approach your right hon. House—

> "Deeply impressed with the great privileges and blessings we have enjoyed as members of the Established Church.
>
> "That certain ancient and conflicting laws and regulations of the Church exist, which, being incompatible with the condition and Protestant feelings of the people, had, with the tacit consent of bishops, clergy, and laity, long fallen into disuse.
>
> "That the attempted revival of these obsolete laws and regulations by some of the clergy has destroyed uniformity in our public worship, rendered the practice of one diocese at variance with that of another, created disunion and discord between the clergy and laity, done violence to the deeply-rooted and cherished feelings of Your Majesty's faithful Protestant subjects,—and thus endangered the peace, union, and stability of the Established Church.
>
> "That while impressed with these general and increasing evils, Your Majesty's petitioners have seen with deep regret and alarm recent directions of the Lord Bishop of this diocese to his clergy, urging them 'to return to a full observance of the Rubric, falling short of their prescribed part in nothing,' and that the attempt to carry into effect such directions has further disturbed the peace and unity of the Church in the public worship of Almighty God, and will, as they believe, further tend to alienate the love and respect, and endanger the adherence of her members.
>
> "That, as set forth in the preface of the Book of Common Prayer, 'upon weighty and important considerations, according to the various exigencies of times and occasions, such changes and alterations should be made in the rites and ceremonies of divine worship as those who are in place of authority should from time to time deem either necessary or expedient,' and, as declared by the Articles, 'every particular or national Church hath authority to ordain, change, and abolish ceremonies or rites of the Church ordained only by man's authority, so that all things be done to edifying.'
>
> "Your petitioners, therefore, most humbly and earnestly pray that your right hon. House may be graciously pleased to cause such a revision and alteration of the Rubric, Canons, and Laws of the Church, as shall establish uniformity adapted to the present times."

Such is the petition unanimously adopted by a very large meeting of the members of the Church of England in the city of Exeter; and sentiments similar to those which are expressed in this petition are entertained, I am persuaded, by a large portion both of the clergy and the laity in the county with which I am connected, if not in the whole diocese of Exeter. But the excitement and alarm produced in the minds both of the clergy and laity is not the only mischief which has proceeded from this—I must, with all respect, say—most unfortunate proceeding of the right rev. Prelate. Men's minds having been turned to this strict enforcement of the Rubric, in opposition to their own habits and opinions, they have been led to inquire whether all the requirements of the Rubric have been fully carried out by the body of Bishops themselves: and it appears, as I understand—and I shall be very happy to be corrected by any of the right rev. Prelates if I am wrong—that the Rubric with respect to the conferring of Ordination and to Confirmation has been, and in the latter case must be of necessity, in the present state of our population, constantly violated by the right rev. Prelates. The Rubric, with respect to Confirmation, requires the Bishop to lay his hands separately on every child to be confirmed, and to repeat the prayer separately as he lays his hands on each. It would obviously be absurd, in the present state of our population, to insist upon this being observed to the letter. But allow me to say, that many persons are of opinion that the Rubric which requires a white gown in the pulpit instead of a black one, is not more necessary to the promulgation of sound doctrine, or to the real essence of Church discipline, than the other Rubric to which I have referred: these persons, therefore, naturally infer that if the one Rubric may be violated with impunity, there is no sense in insisting on the other, or in applying the penalties for non-observance of the Rubrics in the one case, and not in the other. The penalties to which a breach of these regulations of the Rubrics, subjects those who neglect to comply with them, are, however, of a serious kind; not matters merely of ecclesiastical jurisdiction or censure. The penalty for the breach of the Rubrics by the Bishops or clergy is, on conviction before a jury at the assizes, for the first offence, the forfeiture for one year of the profits of all spiritual benefices and imprisonment for six months:—for the second offence, the deprivation of all spiritual promotions, and imprisonment for one year;—and for the third offence, imprisonment for life. I believe, that as the Rubric stands, the Bishops in performing the ceremony of Confirmation, if they neglect to lay their hands upon each separate child to be confirmed, if they do not insist that each child shall be presented by a godfather or godmother, and if they do not say the prayer for each child separately, will subject themselves to these pains and penalties. I cannot, therefore abstain from asking whether it is fitting and right to allow the Statute Book or the Rubrics to continue as they are when they contain provisions so impossible to be obeyed. I trust I may be allowed to say for myself, that I am the last man to approve of fanatical appeals to the passions and prejudices of the people. I would not for the attainment of any object, however desirable, lend myself to the use of weapons of that kind; and in the humble and insignificant part I have taken on this subject, I assure your Lordships that I have, both in public and in private, uniformly deprecated the expression of angry feeling, or the use of vituperative language. The only meeting which I have attended was in the town in the immediate vicinity of my own residence, in a place where I have a large property; and the petition adopted, upon my suggestion, was substituted for Resolutions of a much more violent and condemnatory character. But I do feel with these petitioners that the usages and ceremonies which, by the common consent both of the laity and of the heads of the Church, have been disused for a considerable time, ought not to be revived at the dictation of any individual, however high may be his station, and however conscientious the motives by which he may be actuated; and I do feel that the Legislature ought to interpose if not for the purpose of establishing perfect uniformity in the worship of the Church throughout all parts of England, at least for expunging by legislative enactment such parts of the Rubric as cannot conveniently be carried into practice; and that the Legislature should point out, if not absolutely what is to be observed in every case, at least what it may or may not be expedient to enforce. Before I sit down, I may mention that I have this morning met accidentally with a pamphlet which expresses so well my views on this subject, that I beg permission to read to your Lordships a short passage from it. It is written by the Master of the Temple, the Rev. Mr. Benson, a gentleman whom I have heard with admiration in the pulpit, as I believe have many of your Lordships, and whose character for piety as well as for orthodoxy stands as high as that of any individual in the Church of which he is so great an ornament. After stating that the precise and punctual observance of the Rubrics is binding upon the entire body of the clergy, both by conscience and by law, and further adding that—

> "There are some Rubrics and some Canons which are, and for several generations have been, systematically disregarded by the whole body of Clergy, Bishops, Priests, and Deacons;"

he goes on to inquire,

> "What, then, is to be done, and by whom? The question is serious and important, and the answer to it ought to be well considered, definite and plain. It is in vain to put off the settlement of the existing divisions to some indeterminate hereafter, and in the meantime to recommend mutual forbearance to the contending parties. The struggle has been allowed to go on too long and too far for that. Besides, it is in its own nature one which both parties feel to be of too much consequence to be willing to give up without a distinct understanding what the future course of conduct in the Church is to be. It is not a mere dispute about forms, and rites, and dresses, and decorations of a perfectly indifferent kind; but about such as are looked upon as the first steps towards the establishment of principles and practices for the introduction of which their advocates hope thereby to open, and their opponents are resolved, if possible, to stop the way. The warfare between Popish tendencies, clothing themselves with the name of Catholic, on the one hand, and Protestant tendencies, aiming to carry out the Reformation to its full extent, on the other."

And he concludes by saying that,

> "Something must speedily and decisively

be done to settle the disputes in the Church; and that this may best be done by a revision of the Rubrics and Canons—a revision undertaken by Parliament itself."

It is for that the petitioners pray, and it is in the hope that the subject will be brought under the consideration of Her Majesty's Government that I cordially support the prayer of the petition I have the honour to present. My Lords, I have another petition differently worded, but to a similar effect also, agreed to unanimously at a very respectable meeting of the members of the Church of England at South Molton, and signed by a large number of persons. The petition is as follows:—

"To the Lords Spiritual and Temporal in Parliament assembled,

"The humble Petition of the undersigned Members of the Church of England, in the borough of South Molton, unanimously adopted at a public meeting convened by the churchwarden,

"Sheweth,—That your petitioners are sincerely attached to the Protestant Church by law established in these realms, and earnestly desire to maintain the purity of its worship, and to extend as far as possible the sphere of its usefulness.

"That, impressed with these feelings, we view with much apprehension and regret the exertion made by high authority throughout this diocese, to revive ceremonies and usages which, under the sanction of the heads of the Church, and with the general consent of its members, had fallen into disuse, and the revival of which has, we fear, already alienated many persons from the services of our Church, and has introduced new elements of contention and discord where nothing ought to prevail but harmony and peace.

"We, therefore, humbly pray your Lordships to take the subject into your serious consideration, and to adopt such measures as to your wisdom may seem fit, for remedying the grievances of which we complain, and for healing those differences which in these times unhappily prevail to so great an extent among those who profess to hold the same faith, and to belong to the same national Church.

"And your petitioners, as in duty bound, shall ever pray."

There is another, from the members of the Church of England, in the parish of Alphington, in the immediate neighbour- of Exeter; and lastly, one from a friend of mine, a most respected clergyman, the Rev. Dr. Carwithen, as follows:—

"Sheweth,—That your petitioner is no less by inclination than by duty sincerely attached to the Protestant Church of England and Ireland by law established, and therefore views with pain and regret the excited state of the diocese of Exeter, in consequence of several of the parochial ministers attempting a strict compliance with the Rubrics contained in the Book of Common Prayer, to the observance of which their attention has been specially called by the high authority of their Bishop.

"That your petitioner and his clerical brethren are bound, not only by their ordination vows, and by canon, to 'reverently obey their ordinary in all things lawful and honest,' but are also liable to be indicted at the assizes held before my Lady the Queen's Justices in the county where the offence is committed, by any layman or other person whatsoever, for not complying with the Rubrics in the Book of Common Prayer in every particular, even to the minutest point, under the Statutes of 2 and 3 Edward VI. c. 1, and 1 Elizabeth, c. 2, and if convicted thereof 'by verdict of twelve men according to the laws of this realm, or according to their own confession, or by the notorious evidence of the fact,' will have to suffer heavy fine and imprisonment, and for the third offence deprivation of all ecclesiastical promotion, and imprisonment for life; and the archbishops and bishops are equally liable to the same indictments and penalties as their clergy.

"That your petitioner is, and always has been, very desirous to perform his clerical ministration in such manner and form as the Rubrics require and custom has sanctioned; but in the present very excited state of the diocese of Exeter, and in consequence of three pastoral letters of the Bishop of that See, as it appears to your petitioner of very uncertain and different import, your petitioner is at a loss how to act with safety to himself and satisfaction to his parishioners in his official ministry, and that moreover it appears to your petitioner that the difficulty can only be gotten rid of by legislative enactments, as under the existing laws neither the archbishops nor bishops, individually or collectively, can alter or dispense with a single provision contained in the Rubric.

"That in the opinion of your petitioner the Book of Common Prayer and its Rubrics are nearly in a state similar to that on the return of King Charles II. to this kingdom, when, being found defective and unsuited to the times, a royal letter was addressed to the convocation, commanding a review of the Book of Common Prayer, when the Convocation entrusted the business to a Committee, who made alterations and additions, which were submitted to and approved by Parliament, and confirmed by 13 and 14 Charles II., c. 4.

"Your petitioner also, with all due deference, ventures to remark that Parliament has, without the consent of Convocation, altered a Rubric, namely, as to the publication of banns of marriage, by passing the 26 George II., c. 33.

"Your petitioner therefore humbly prays your right honourable House to take the subject into your gracious and serious consideration, to cause the Statutes of 2 and 3 Edward VI., c. 1, and 1 Elizabeth, c. 2., to be repealed, and to adopt such measures as to your wisdom may seem fit, to procure a calm, moderate, and temperate review of the Book of Common Prayer, Rubrics, and Canons of the United Church of England and Ireland, as may have the effect of settling those differences of opinion and practice which now exist among those who have all subscribed before their respective bishops, and published to their parochial congregations the declaration, 'that they will conform to the Liturgy of the Church of England and Ireland as by law established.'

"And your petitioner will, as in duty bound, ever pray.

(Signed) "W. Carwithen, D.D."

I would only add, that no clergyman is more firmly attached to the doctrine and discipline of the Church, and no parochial minister can discharge his duties more conscientiously or with greater benefit to his parishioners, than the petitioner. I beg to present the petitions, and, considering the importance of the subject to which they refer, I hope I am not out of order in moving that they should be printed.

The Bishop of *Exeter*: I hope, my Lords, that I may be permitted to occupy your attention for a few minutes whilst I attempt to answer the speech of the noble Earl, of which I make no complaint; for, in truth, while it was marked by firmness in the assertion of the noble Earl's own principles, it did not contain a single syllable of which I can fairly complain. My Lords, in requesting your attention for a short time, I must say, in the outset, that I am not about to enter into any defence before you. On any fit occasion, if my conduct were called in question, I should most readily, most gladly, avail myself of the high privilege, and feel it a very high honour, to defend myself here in my place.—I should say, if I may choose my tribunal, "Let me have the House of Lords." Let me vindicate myself in that the very sanctuary of justice and of honour. But, my Lords, on the present occasion, I must frankly say, I cannot permit myself to ask your Lordships to hear my defence. My Lords, I am a spiritual person; I am charged with the spiritual care of my diocese. I am an officer of the Church of Christ, and I am responsible for my conduct in that character only to that Church upon earth. I, therefore, feel it my duty to that Church, and, permit me to say, to your Lordships, to refuse to enter upon a defence of my conduct on this occasion. But, although I will not enter into my defence, I have no objection to state to your Lordships what that conduct was, because the noble Lord who has presented these petitions, and who has made a statement which he no doubt intended to be a fair account of what has occurred, either has not been aware of, or has omitted to state, all the particulars of these differences. I will state to your Lordships what really was the case with respect to these occurrences so far as I was concerned. The occasion for interference was not sought by me; it was forced upon me by circumstances. My right rev. Friends around me know full well that one effect of the excitement which has prevailed throughout England on ecclesiastical subjects has been to induce many of the clergy to feel it to be their bounden duty, in compliance with the stringent—the very stringent vow which they made on their ordination, and afterwards when they were admitted to the cure of souls, to follow out the Law and the Rubrics of the Church in the performance of Divine Service. Several of these individuals have applied to me to know whether I would permit them to perform these vows. I gave the only answer which it became a Bishop to give to such an enquiry: I said, "Understanding that you wish to act up to your vows, and to obey the Rubric, which you have solemnly promised to obey, my course is plain. I am bound not only to permit you to do what you ask, but to honour and applaud the conscientious feeling which prompts you to make the demand." The matter, however, did not rest there. If the matter had rested there, I would still have forborne from taking any further steps; but complaints were made against individuals — against more than one or two, which complaints I was bound, as an ecclesiastical judge, to hear and determine according to the Law of the Church. Then, my Lords, I was told it was impossible to leave the diocese in this state. If at Helston, and Falmouth, and Teignmouth, the clergy acted in this way—and if the clergy in those places did their duty, it was said that it was impossible to maintain that the duty was properly performed elsewhere. My Lords, I felt the force of this demand; I could not but feel it, for it was manifestly reasonable and just. What then was I to do? I had recourse to that Council which the Constitution of the Church has provided for a Bishop, in cases of grave doubt, and serious responsibility. I called for the Council of my Chapter. I asked their assistance and advice. Of the members of that body who gave me their counsel, nineteen in number, more than two thirds, assured me of their firm conviction that any order to obey the Law of the Church—in other words, to carry out the directions of the Rubric, if that order was issued from Authority, would be met as it always had been met, by the ready concurrence not only of the clergy, but also of the laity. Now, my Lords, the men who gave me this advice, were among the most experienced and judicious of the resident incumbents of parishes in my diocese. All the members of the Chapter, who were in this description, all, except one, had at one or other of two meetings, given me this advice. I hesitated not to act upon it. I put forth that letter to my clergy, to which the noble Lord has referred; and the unfavourable reception of it, I may be permitted to say, was a great disappointment to myself and to the clergy. There was a vast excitement: I will not now go into the history of that excitement; extraordinary occurrences preceded and raised that excitement. I will not now refer more fully to them.

The noble Earl has spoken expressly of the use of the surplice. What was the fact with respect to it? I found that the surplice was worn by several of the clergy in preaching, and not by others; that, in short, a diversity existed, which was ascribed to party feeling. The noble Earl has this night called the surplice the badge of party. I resolved, that it should be so no longer. The use of the surplice in preaching, though not expressly enjoined, is virtually required by the Rubrics. The gown I could not order; I ordered, therefore, that the surplice should be worn by all; that there should be no longer a diversity—that it should thus cease to be what the noble Earl calls it, a party badge. I was informed that this order did unfortunately raise a great clamour among the population: it was called Popery, and I know not what. I withdrew the order as soon as I found it was against the feeling of the laity in the large towns, though I do not think the same feelings prevailed in the country parishes; but I deemed that on a matter which was indifferent, the practice should be in accordance with the feelings of the people. Many of the clergy of the towns had acted in obedience to the order; and I told them now, that if they did not deem the use of the surplice binding on their consciences, it might be disused; and I therefore withdrew the order for wearing the surplice. I did not then withdraw the order about the Rubrics, nor, I frankly say, was it my intention to withdraw it; but when the most rev. Metropolitan wrote his paternal, as well as pastoral letter, recommending that everything should be left as it was, until the return of peace and quiet should enable the Church to take up the matter seriously and efficiently, I acted upon that suggestion, and withdrew the order, as respected the Rubric.

I must be permitted to say that there was another very important consideration, which induced me to take the course which I did. Unhappily, the Book of Common Prayer, much as it is venerated by the great body of English Churchmen, much as I know it is venerated by your Lordships—is not regarded universally with the same favour. My Lords, there are parties in this country who wish to make most important changes in the Prayer Book. These wishes are not confined to lay members of the Church, but there are several of the clergy, I am glad to say they are a small minority in the Church—but still there are several of the clergy, active, pious and good men, who object to parts of the liturgy, as being opposed to the doctrines which they hold. I do not speak lightly on this subject, because, as Bishop of Exeter, I have had to proceed against more than one or two individuals who have omitted portions of the Common Prayer, in their performance of Divine Service, or have made alterations in it; and it is notorious that, in many parishes—I hope there are not many in my own diocese—but I believe there are still some, although I will not allude to any in particular, and have no distinct knowledge of the fact—in which prayers of the Church are garbled, tampered with, and set at nought, as being too closely allied to Popery, or for some other reason, I know not what, except always, as being contrary to the doctrines held by these ministers themselves. I have been obliged to proceed against more than one individual for such proceedings. It might, then, well be said—"How is it possible for you to proceed against clergymen for leaving out parts of the baptismal or burial services, when every time you go to Church you find prayers left out, and the Liturgy set at nought?" I have always felt that there is something in this plea—that it is at least a specious ground, on which the really tion are to be witnessed in the Petition that has been laid upon your Lordships' Table. It will be presently the task of the noble Earl who presented it, to tell us what are the obsolete usages and forms in disuse which have been revived.

Meanwhile, let me say of the learned Gentleman whose speech was the great speech of the meeting, received with unbounded applause, that he is a highly respectable person, possessed of handsome property in the county, which he administers to the advantage of all around him. No doubt, too, he is an excellent Judge in the Court of Bankruptcy; and if he has exhibited any ignorance in other branches of the Law, especially in Constitutional Law, it may be taken as strong presumptive evidence that he has devoted his whole time to the Law of Bankruptcy. I have done with the meeting at Exeter.

I now come, my Lords, to a consideration of the Petition presented on the part of Dr. Carwithen, which refers to an entirely different subject from those already referred to; and which proceeds from a gentleman, who is apparently in a state of high nervous excitement. My Lords, the rev. Petitioner, under that excitement, does not appear to know what to do under the circumstances described by him. He states, that he has always been a strict observer of the Rubric, and I believe such to be exactly the truth—but that, being most anxious to perform his clerical functions in the manner and form prescribed by the Rubric, he could not do so with safety to himself, and satisfaction to his parishioners; for if he departed from the Rubric, even in the slightest degree, he was liable to heavy penalties for every such deviation. Now, my Lords, I am not aware of any single Rubric which cannot be carried out fully and according to the fair letter of the Law; and, perhaps, the petition to which I am now referring will afford the noble Earl some assistance in pointing out what the grievances are of which the former petitions complain with reference to the Rubrics. What I want to know from the noble Earl is, if the petitioner, Dr. Carwithen, has, as he states, carried out fully and completely the Rubrics of the Common Prayer Book—Rubrics which are stated by the other petitioners to be obsolete—what those Rubrics are which have thus fallen into disuse and become obsolete? For it cannot but be obvious that the two classes of petitioners are at variance as to the hardships which press upon them in respect to the Rubrics. The injunction of full observance of the Rubrics, is the grievance of the other petitioners; but the Statutes on which the noble Earl has expatiated are the grievance of Dr. Carwithen. He is under the deepest apprehension of being visited with the tremendous penalties enacted by the 2nd and 3rd of Edward VI. and the 1st of Elizabeth, if he deviates in the slightest degree from the observance of those Rubrics which the noble Earl's other set of petitioners affirm to have fallen into desuetude, and to have become obsolete. Now with respect to the penalties referred to by the petitioner, I shall at once state that I have not the smallest objection to strike them altogether out of the Statutes to which they are appended. Such a matter forms a very legitimate ground of petition to your Lordships; and if the noble Earl will bring in a bill for the purpose of striking out those portions of the Statutes of Edward and Elizabeth to which the petitioner, Dr. Carwithen, refers—but not a word more of those Statutes than what refers to the penalties—I will very readily assent to such a measure, and give my best assistance towards perfecting it. But yet I must say, my Lords, that I believe both the noble Earl and the rev. petitioner are under a misapprehension as to the application of these penalties. I do not speak lightly upon this point; for, having seen a statement of the presentation of a petition from Dr. Carwithen in another place, and thinking it very probable a similar petition would be addressed to your Lordships, I took occasion to look at the particular clauses of the Statutes in question, with a view to ascertain the exact applicability of the penalties therein enacted to persons in the position described by the petitioner. I fully appreciate, my Lords, the force of that proverb which tells us that the man who is his own lawyer has a fool for his client. I therefore would not trust to my own interpretation of the Statutes in question. I had recourse to two most eminent and learned individuals, whose opinions and advice your Lordships are sometimes in the practice of referring to in cases of difficulty (their names, I am sure, I shall be excused for refraining to mention), and I found that they confirmed the view which I had already taken of the Statutes. The opinion of those two most learned individuals is, that the penalties do not apply unless in cases where there is exhibited an obstinate determination and a manifest refusal to obey the Rubrics. The clause in which the penalties are enacted runs thus:—

> "And albeit, that the same be so godly and good, that they give occasion to every honest and comfortable man most willingly to embrace them; yet, lest any obstinate person who willingly would disturb so godly order and quiet should not go unpunished; that it may be also ordained and enacted, &c., that if any parson, &c., shall after, &c., refuse to use the said common prayers, &c., in such order and form, &c., or shall use, wilfully and obstinately standing in the same, any other rite, &c."

What call is there, then, my Lords, on the noble Earl for his extreme anxiety in behalf of those of the clergy; especially of those Bishops, who may, in the honest and faithful discharge of their duties, fall short in some minute particular, of the exact observance of a Rubric? Those who act with good faith, those who, if they offend, offend not wilfully, in a spirit of contempt, and defiance of the Church and its Liturgy, fall not within the provision of the Statute. The penalties of which the Rev. Dr. Carwithen expresses so strong, and I am bound to believe so sincere an apprehension, do not apply to persons in his situation at all; and I do not state this upon my own authority, but upon the much higher authority of two most learned persons, to whose advice and judgment your Lordships are in the habit of deferring, when they have the honour of stating to you the Law from these Woolsacks. At the same time I am ready to admit that there have in former times occurred instances of indictments having been preferred against individuals who had violated this Statute without any direct proof of wilfulness or obstinacy. This was in the time of James I., when the Rubrics were recent, when full conformity to them was enforced, and when every departure from them implied, therefore, the intention of disobedience. This is not now the case, and I repeat, my Lords, that I have the high authority to which I have referred, for saying that such a construction of the Statute would not now be listened to. On this ground, therefore, the rev. petitioner and the noble Earl may dismiss their apprehensions.

But this is not the only particular to which this petitioner claims our attention. He urges your Lordships to review the Rubrics, and he triumphantly quotes an instance, in which he says Parliament has thus interposed of its own mere notion. The noble Earl supports his rev. friend's argument, and calls on Parliament to interpose. My Lords, the rev. petitioner and the noble Earl tell us, that the Marriage Act, 26 George II., c. 33, made an alteration in the Rubric, and thus established a precedent, which they call on us now to follow. My Lords, here again, with all respect for the noble Earl, I must demur to his authority, I must deny his precedent. The Marriage Act made no alteration in any Rubric; it cautiously abstained from doing so. The clause had reference to the case of parishes in which there is no service in the morning, and in which therefore bans of matrimony could not be published in that part of the Service which is prescribed in the Rubric. I will beg leave to read the clause, it is worded thus:—

> "That from and after the 25th day of March, 1754, all bans of matrimony shall be published in an audible manner in the Parish church, or in some public chapel in which bans of matrimony have been usually published, of or belonging to such parish or chapelry wherein the persons to be married shall dwell, according to the form of words prescribed by the Rubric prefixed to the office of matrimony in the Book of Common Prayer, upon three Sundays preceding the solemnization of marriage, during the time of morning service, or of evening service, if there be no morning service in such church, immediately after the second lesson."

Your Lordships will here see that the Marriage Act provides for the publication of bans in the evening service where there is none in the morning. Is this the repeal of any Rubric? True it is, that a change has been made in the Rubric as it is now printed in respect of the time of publishing bans of marriage, even in the morning service. But by whom, and by what authority, has this change been made? Not by the Marriage Act, my Lords, nor by any authority properly derived from it. For many years after the passing of that Act, no such change was made. It was made, as I am assured by a learned Friend, who has inquired minutely into it, since the commencement of the present century,—it was first made by the curators of the press at Oxford, without authority, I repeat, and I must think very improperly. Two eminent individuals, of the highest character, whose names I need not mention, (for they are dead,) did venture to make that alteration, to which we are now referred as to a precedent for interference with the Rubric by Parliament. My Lords, I repeat, the framers of the Marriage Act were cautious not to make any such precedent. They knew the danger of making any change in the Liturgy by Parliament, and they took a course which interfered not with any direction of any Rubric. The Marriage Act, it is true, authorized the publication of bans in the evening, after the second lesson; but this was not inconsistent with the Rubric, which directed the time of publication in the morning. Besides, the Rubric fully recognizes the right of the Crown to enjoin anything to be published in Church, which can be lawfully published. Therefore under this Rubric, the King could, in virtue even of his Supremacy, surely therefore in his High Court of Parliament, authorize this publication of bans.

My Lords, I fear that I ought to apologise for addressing you at so great length. But I am confident that for much of what I have said your Lordships will grant me indulgence, in consideration of the personal interest I must feel in the matter. But, my Lords, I am anxious to say yet a few words on a subject of much higher moment than anything which concerns me.

My Lords, the noble Earl has expressed himself as anxious for some legislative interference to put an end to the inconveniences and evils of which the various petitioners complain. Now, my Lords, I most earnestly—I will not say beseech you, for no entreaty of mine could have any right to prevail—still less will I presume to advise; for I am one of the last persons who are entitled to advise your Lordships—but I will venture to suggest the prudence of hesitating long before you engage in the course recommended by the noble Earl. My Lords, that course is not now recommended for the first time. Remember when it was, that it was first recommended to this House to interfere with the Book of Common Prayer; and remember, too, what were the consequences. It is now just 200 years ago—in the year 1641—in compliance with petitions then presented, your ancestors, my Lords, resolved themselves into a Committee of Religion. In that year the Lords who then sat in this House were as firmly attached to the Church, and as fervent supporters of the Liturgy, as are any of your Lordships who now sit here. I do not by this mean it to be inferred that the House of Lords in 1641 was superior to your Lordships in its attachment to the religious institutions of the realm; but what I do say is, that I in no degree offer any disparagement to your Lordships in drawing a comparison between the two periods. My Lords, this House, at that day, was so attached to the Liturgy in its then existing form, that it actually resolved that all should be severely punished who in any way interfered with the strict performance of Divine Service, according to the prescribed form. This was two months after it had formed its Committee of Religion; and all then looked like zealous adherence to the Church and its formularies. But interference had begun—a Committee of Religion sate—the small edge of the wedge had penetrated, and the big end was not very long in following. Yet it took some time—for it required time to subdue the spirits and overmaster the principles of such men—it took some time—about three years from the commencement of their interference—and then this House agreed with a Vote of the other House to abolish the Liturgy, and with it to proscribe the Church of England. My Lords, when the work of abolition begins, it is not always easy to say where it shall stop. After some time—about the same period—after three years more, this House was abolished, and with it the Monarchy.

Now, my Lords, do not let me be misunderstood. I do not say that the consequences of your acting on the noble Earl's advice will be now as fatal as those of a similar course 200 years ago; but, my Lords, I will say, that wise men like your Lordships will hesitate long before they venture—aye, my Lords, and without absolute necessity they will not venture—to enter again on a course which has once before led to so fatal results.

My Lords, with great deference, I must add something further. With great deference I submit to your Lordships, that it is contrary to the constitutional duty of either House of Parliament to initiate such a proceeding. True, my Lords, no Liturgy is binding on the nation, unless it be bound by Parliament. The Liturgy, when prepared by Convocation, even though it have the assent of the Crown, has not the established force of law, without the concurrence of Parliament. My Lords, the course always hitherto pursued—except in the instance of which I have been speaking—an instance which I am sure your Lordships will with me consider, not as a precedent, but as a warning—with that one exception, the course always hitherto pursued has been, when alterations of the Liturgy are contemplated, for the Sovereign to issue a Commission of Divines, in order to be advised what alterations, if any, should be made. When the Report of such a Commission has been received, the Crown lays the matter before the Convocation; and, after the Convocation has deliberated and decided, then, and not till then, Parliament has been invited to sanction that decision, and give to it the force of law. But, my Lords, it has hitherto been the wisdom—and, I must not be afraid to add, the duty—of Parliament, to leave to the spiritual instructors of the Church—not to the lay members—but to them whom the Divine Head of the Church has constituted its pastors and teachers, to devise and propose a form of Divine worship, to which the lay members, speaking through Parliament, have, indeed, the right, and the duty, to signify their assent or dissent; and so to give or to refuse to it the sanction of national law.

My Lords, I do hope, that if at any time proceedings of this kind shall be deemed necessary, they will originate from the Crown, in the constitutional mode proposed by the meeting at Exeter, before they were persuaded by the noble Earl to come to your Lordships in the form of the petition now presented to the House. But, my Lords, let me be understood. I do not think that the present case calls for interposition. I think that, at present, it is more desirable, considering the excitement which has existed—and no one can lament it more than myself—I say, my Lords, I think it most desirable that this excitement may be allayed, before any further proceedings are adopted in the matter by any authority. If at any time such proceedings shall be thought necessary, I predict that your Lordships will never again repeat the fatal experiment made in 1641, which was followed by such fearful consequences. I am sorry to have trespassed so long upon the attention of your Lordships, and I wait to hear what shall fall from the noble Earl, if he is prepared to state anything specially, in explanation of his own petition.

Lord *Brougham* only rose to state that he could not agree with the right rev. Prelate in all the points of what was certainly a fair, manly, and candid statement of his case. He differed from the right rev. Prelate in one point. He held the high and paramount authority of Parliament in all matters which could be the subject of discussion, and he utterly protested against the doctrine—against acting on the opinion—that there was anything spiritual or temporal, from which the jurisdiction of Parliament was excluded. But he entirely agreed with the right rev. Prelate, although not for the reasons urged by the right rev. Prelate, in the conclusion to which he had come. He entirely agreed with him in deprecating, as he did most heartily, all Parliamentary interference with the present contest. Entertaining these feelings, as he did, he must be allowed to add, that it could not but be a subject of great and hearty congratulation that there now existed no more important matters to divide the Church—that there were no graver matters of doctrine or of discipline, or of polity to divide the Church, than the mere question of whether a sermon should be delivered in a surplice or in a black gown. But the fact appeared to be, that many people had conscientious scruples, and it was not for him—God forbid!—it was not for him or for anybody to say, in a matter exciting conscientious scruples, that there was anything more or less trifling or important in that matter, because it was enough that it should be said that men did entertain scruples of conscience for him to be inclined to treat those scruples with the most profound respect. But it was a fact, he repeated, that differences of opinion did exist. It was a fact, that certain things laid down 170 years ago, and more, things which were then deemed fit and proper to be exacted from the clergy—matters of pure form and ceremony, and that society having since adopted other habits and other views, these things were no longer reckoned matters of moment, and were no longer generally used. Well, then, was it not common sense to endeavour to allow matters to go on as they were now naturally proceeding, and not to ask us to go back to practices, be they trifling or important, the revival of which only gave rise to scandal, difference, and dissension among flocks, and to scandal, and difference, and dissension, between flocks and pastors; a state of things the most heartily to be deprecated, and the most carefully to be avoided? He cordially agreed in the right rev. Prelate's recommendation to his spiritual brethren, or rather to his spiritual children of the Church. He agreed with the wisdom, as well as the charity and the humanity of his advice to them; but it was not for us laymen to say what in this matter was right and what wrong; it was only for them to say on no account whatever let the dispute in question be brought at present under the consideration of Parliament. It might not be easy to find the best way out of the difficulty—to chalk out the preferable course to be adopted; but the worst course was clear—it was that of Parliament interfering in the matter. Wishing well, as a son of the Church, to the peace of the Church—to that peace which the right rev. Prelate, as a father of the Church, was charged with superintending—he agreed with him—they both of them agreed, and he hoped that their Lordships would all agree in trusting that that peace never would be injured by the attempt to revive customs gradually—in the lapse of ages fallen into disuse and desuetude.

The Bishop of *Exeter* did not believe that one single custom in question had in his diocese fallen into the condition alluded to. [Lord *Brougham:* They have fallen not into total, but into general disuse.] He reiterated the expression of his belief that there was not a single one of these rubrical observances in his diocese had fallen into disuse. There were some churches in which some of them were observed, and other churches in which others were retained. It was quite incorrect to suppose that there were ceremonies and usages which had fallen into desuetude in the sense in which that expression must be taken, were any judicial decision upon the subject to be called for. His object had merely been to cause some of these ceremonies, which were used in one parish, and others in another, to be used alike in all.

Earl *Fortescue:* The right rev. Prelate has called upon me to state what usages and ceremonies have been revived in the diocese of Exeter, which I consider to have fallen into disuse. I beg to say, in answer, that, so far as my experience goes, in most, if not all, of the churches with which I have been acquainted, the use of the surplice in the pulpit has fallen into desuetude, as well as reading the sentences of the offertory, and the collection after service. This last practice fell into desuetude from having become perfectly useless; and, so far as I can learn, since its revival no money has been collected, and therefore it was an absurd and wanton waste of the time of the congregation. But I was glad to hear the right rev. Prelate, in the former part of his speech (though he, not quite consistently, deprecated, in the latter part, all interference by Parliament with the law as it stands)—I was glad, I say, to hear from him that if I or any other lay Member of the House would bring in a Bill to repeal the Statutes of Edward VI. and Elizabeth, he would support it. The penalties to which the Bishops and clergy are liable rest upon those Statutes; and why should such absurd and inoperative laws remain on our Statute Book? I hope some Member of the House, better qualified than I am for the task, will bring in a Bill for their repeal; and I hope, meanwhile, that the right rev. Prelate will follow the advice given by my noble and learned Friend (Lord Brougham), who, whilst he said he agreed in what had fallen from the right rev. Prelate, impressed upon him strongly the expediency of leaving well alone. There never was a period, I believe, when, in the diocese of Exeter, the duties of the Church were generally better performed, more conscientiously or more zealously, than they are at the present time; and if the right rev. Prelate had been induced to leave things as they were before he issued his pastoral letter, not one of the petitions I have presented would have been before the House. He has, however, made the best amends he could for his error, by withdrawing the obnoxious order; and if he will only give permission to his clergy to return to the state in which they were before the issue of his pastoral letter, and not revive angry feelings, I hope that the effect of these disputes will gradually settle down, and that the tranquillity of the diocese may be restored.

The Bishop of *Exeter:* My Lords, I am sorry to be obliged to address your Lordships again, but the noble Earl has introduced new matter. Your Lordships have heard what the noble Earl has said with regard to my pastoral letter. Now, I ask your Lordships to hear a passage of that letter, and to say whether any objection can be more unreasonable. I observe in that letter,—

"If process of time have introduced some relaxations in practice, issuing in the great evils we now deplore, it is a convincing proof that the true remedy for those evils must be sought in returning to a faithful observance of the Act of Uniformity. To this duty we pledged ourselves in our ordination vows. To the strict fulfilment of it, therefore, no faithful minister will think it a hardship that his bishop should now recall him; he will rather gladly recognize the fitness of recurring to it at a time of general doubt and difficulty, as the one, the only rule, by which our practice in public prayer can be honestly or safely regulated; and, while a willing and hearty obedience is thus confidently anticipated from the clergy, can we apprehend less ready acquiescence in the same course on the part of the laity? Assuredly not; provided" (and to this part I request the attention of your Lordships, as showing the *animus* with which it was expressed)—" that we previously instruct them in the nature of the changes introduced, not from love of change, but to prevent change, to enable us, at length, to find a rest for ourselves, amidst the fluctuation of usages around us, and to find it in strict obedience to the law."

That was the advice I gave, and I do not shrink from saying that it was not given in error, and I am ready to justify it in any place where I may be fitly called upon to do so. The noble Earl says I am inconsistent, because I do not recognise the right of Parliament to relieve the clergy from an ecclesiastical law, whilst I offer to support a Bill to relieve them from a penal Statute. But, my Lords, there is no inconsistency in thinking that Parliament has no right to initiate any ecclesiastical changes, though it may remove the penalties imposed by the Acts of Edward VI. and Elizabeth. The noble Earl has specified the use of the surplice, the sentences of the offertory, and the collection, as the matters that have given offence. With respect to the collection, I told my clergy in my original letter, " Do not use the collection unless the people wish it." [Lord Stanley made a remark to the right rev. Prelate.] The noble Baron has just reminded me that the collection is made in almost every church in Ireland. [Earl *Fortescue:* But there was no Poor Law in that country at that time.] Does the noble Earl mean to say that a Poor Law supersedes the duty of Christian charity? At the very meeting at which the noble Earl attended, a declaration was made by a gentleman, not particularly my friend, that in that very parish, the late incumbent who died but a few years ago, preached in his surplice, read sentences of the offertory, and the Prayer for the Church Militant every Sunday.

The Bishop of *Norwich* had been urged not to enter into this discussion. It was a question somewhat of a personal nature, and one more particularly referring to a particular diocese. He should, not, therefore, enter fully into the question; but, in reference to the general feeling in the country, and the feeling which he knew existed in his own diocese—knowing the increasing disposition, on the part of the clergy, to adhere to Protestant usages, and to attempt to oppose, as far as possible, any innovation, or any recurrence of any custom approximating, either in reality or imagination, to Roman Catholicism—knowing all this, he did rejoice that these petitions had been presented. He rejoiced to see the laity alive to what was going forward; and he trusted that what had taken place in the diocese of Exeter, in which 3,000 individuals in one town had come forward, and stated their sentiments upon the subject in a temperate, a calm, and a dispassionate address—he trusted that this would produce its effects—that the same feeling would animate England throughout, and that they would never return to any of those antiquated Rubrical Forms, which he believed it was, in the present state of society, quite impracticable to introduce. The right rev. Prelate had said, that as members of the Church, they were under a stringent order to obey the Rubrics of the Church. A stringent order to obey the Rubrics (continued the right rev. Prelate)! why, none of us do obey them—none of us ever have—because none of us ever can obey them. Why, they are in opposition one to the other; and if we lack of a stringent order to obey the Rubrics, I do not see what right we have to say, in one case, this particular part of the service I will order; in another, that particular part I will dispense with. Not that there are wanting those who contend for all the Rubrics, who cry—" We will have the Rubrics, the whole Rubrics, and nothing but the Rubrics." But this is impracticable; and I, for one, shall rejoice when some calm and legitimate attempt is made to remove some of those difficulties now so grievously pressing upon tender consciences.

The Bishop of *London* could not let this matter pass without saying one or two words, if it were only to put the right rev. Prelate in mind of the possible consequences of such advice as he had just given—advice amounting to this—that none of them were bound by the Rubrics, because they could not observe them all. This seemed to him to be the fair inference from the observations of his right rev. Friend. Did he mean to say that because some portions of the Rubrics could not be obeyed, they were, therefore, not bound by any portion of it? This was an extraordinary doctrine to urge—that because there were some parts of a law impossible to be obeyed, that those portions which could, should not be obeyed. And yet such was the point to which the argument of his right rev. Friend tended. Let it not be inferred from his not saying more than he meant to say, that he acquiesced in any of the views taken by his right rev. Friend; but, in fact, it appeared to him that the course of argument used by his right rev. Friend carried with it its own refutation.

The Bishop of *Norwich:* There were parts of the Rubric which they could obey, and yet did not obey. What he contended for was, that they had nò right to make choice of different portions of it, to be used or disused.

Petitions read, and ordered to lie on the Table.

THE EXPEDITION FROM CORFU.] Lord *Beaumont* rose, pursuant to notice, to put a question to the noble Earl the Secretary of State for Foreign Affairs on the subject of the Expedition which sailed from Corfu to the coast of Calabria; and said:—I must pray your Lordships' attention, as well as indulgence, whilst I refer to some particulars, which I believe to be correct, illustrative of the question I am about to put, as upon the answer I shall receive, depends the truth or falsehood of a charge which accuses the Government of this country of being participators in one of the foulest deeds of treachery ever perpetrated by an absolute and tyrannical government. In putting this question to the noble Earl, it is necessary that I should state briefly the occurrences which preceded the tragical event, and in so doing I shall only refer to circumstances before the public; and if I am wrong in any of my statements, and draw any erroneous conclusions, it will be for the noble Earl to correct me, and to point out wherein the deductions I make, or the conclusions I come to, are erroneous. The circumstances, as far as I can recollect them, are these:—Some time in the year 1843, information was received by the Austrian Government that certain exiles and refugees from the different States of Italy, at that time resident in the British Possessions in the Mediterranean, including the Ionian Islands, were plotting and concocting a conspiracy against the States of the Church, in order to produce a revolution in that country, and spread the same spirit throughout Italy, as existed in the year 1831. I understand that a remonstrance was made by Austria to this Government, as Sovereign of the Ionian Islands, to which place these persons had fled from the vengeance of their own Governments in Italy, and where they were maturing their schemes against those Governments; and I understand that a threat as well as a remonstrance came from Austria, namely, that if any revolution or political movement should take place in the Papal States, an army from Milan would march into those States, and that orders had actually been given to the Commander in Chief of the Austrian troops at Milan to march into and occupy the Papal States, in the event of any such insurrectionary movement, without waiting for orders from Vienna. This threat seems to have frightened the Foreign Office here from its propriety; and it would seem that Government then used the power which, wisely or not, but I do not think wisely, is entrusted to the Secretary of State—that of issuing warrants for the opening of private letters. It had been ascertained that M. Mazzini, an Italian resident here, corresponded with those refugees living at that time in the British Possessions in the Mediterranean. M. Mazzini's letters were broken open, and it was found out that the information received by the Austrian Government was true—that a plot was hatching in Corfu to make a descent upon Italy. At this stage of the narrative, I am met by two authentic documents, and by assertions which I am bound and willing to believe. The Reports of the two Committees who sat upon the subject, assert that although the information thus acquired, was conveyed to the Austrian Government, to that Government was stated no name or circumstance, or quotation—no portion of any letter or correspondence, in fact, which could in any way, lead to the ruin, or compromise the safety, of those who wrote them. I find that to that extent the Reports of the two Committees agree; and I remember also, that the noble Earl, now present, stated that none of the actual correspondence was communicated to the Foreign Government. But the information thus acquired, seems to have induced the English Government to make known to that of Austria that there was some danger threatened to the Papal States from some of the British Possessions in the Mediterranean; although I fully believe, that, in fact, every precaution was taken in making this communication, not to compromise individual safety. If the individuals had been guided by the advice of Signor Mazzini, their plot would have been abandoned — the scene would have closed, and the curtain have fallen. But another act of the drama remains to be described. To the particulars of this act I call your Lordships' attention, because it is on thè ground of a connexion between these subsequent events and the previous communication which had taken place between the two Governments that the charge out of doors is made, which imputes a connivance on the part of this Government at the violation of all principles of honour and honesty, to which I am about to draw the attention of the House. It will be found upon a chronological review of the events in question, that, after the first conspiracy had been abandoned, a pause occurred, and it is to what took place after this pause that I wish particularly to draw the attention of the House. The circumstances appeared to be these: an emissary, one of the sbirri of the Neapolitan Government, employed no doubt in consequence of communications from Austria, who, be it remembered, had gained a knowledge through this Government of the designs of the refugees, who, though they had intended a descent upon the Papal States, had abandoned the plot, but were not allowed to escape becoming its victims; this emissary was instructed to proceed to Corfu, where the two sons of Admiral Bandiera resided, and to communicate with the refugees, and under the disguise of being a fellow conspirator, to propose a new plot against the Neapolitan Government, and thus to lure them to their destruction. Here arises another point to which I must refer. Neither the Consul for the Papal States, or for the Neapolitan Government, made any remonstrance on the subject to Lord Seaton. No notice was taken of the plot now concocting until the expedition had sailed. Upon the 12th of June, twenty-two persons, including the emissary before mentioned, sailed from Corfu, and not till then did the Papal and Neapolitan Consuls apply to Lord Seaton, who declined following the suggestion which they made, of sending an armed steamer to overtake them and bring them back. He, however, did agree to do what I cannot but deem a strange line of conduct; he did agree to send a steamer to Otranto to inform the Neapolitan Government of the expedition which had sailed. The expedition landed on the coast of Calabria; they proceeded to Giovanezza; there they were met by the authorities of the place in just sufficient number to oppose them. One of the conspirators was shot in the conflict which ensued—the rest were captured; and on the 25th of the same month, nine of them suffered capitally. Thus fell the two sons of Admiral Bandiera, and the other misguided men whom M. Mazzini had persuaded to renounce their first plot, but who were afterwards misled and hurried on to destruction. Now, I do say, that if the Government of this country had any knowledge of these matters—if they were aware that the information obtained and communicated by them would be used as it had been—then I do say that I know no words strong enough to express my detestation of such a course of policy as that which had been pursued in giving it. I trust, however, that the noble Earl is fully prepared to answer the question which I shall now put simply and directly as follows:—Whether the British Government had reason to believe that any Foreign Government had, by means of emissaries, got up an expedition in order to lead the individuals concerned to their destruction; also, whether the Government had any knowledge of the intended expedition from Corfu, and whether they took any and what means to prevent it?

The Earl of *Aberdeen:* I am not at all sorry, my Lords, that the noble Lord has asked the questions which he has put to me, and that he has brought this subject before the House at the present moment; because, although your Lordships may easily imagine that it is in itself sufficiently painful, there are many reasons which lead me to meet the noble Lord's inquiries with pleasure and alacrity. And, my Lords, I am the better able to do so in consequence of the reference made in the Report of the Committee of this and the other House of Parliament, in which they refer particularly to a matter which was submitted to their inquiry, and which appears to be supposed to be connected with the immediate questions which have been put by the noble Lord. Your Lordships will recollect that, for the two years previous to these transactions, great political excitement had prevailed in the Italian States, and that various insurrectionary attempts had been made in the Papal States and in the kingdom of Naples, which failed in their object, and that great alarm continued to exist in those States. That alarm was certainly shared in by the Austrian Government, being, as it was, much interested in preserving the peace of Italy; and that Government, as the noble Lord truly said, had determined, in the event of any serious disturbances of an insurrectionary character taking place in Italy, to advance a large military force to occupy the Papal States. I am sure, my Lords, I need not point out the probable consequence of such a movement on the part of Austria; there can, however, be little doubt that the peace of Europe would not have been of long continuance had such an event taken place.

My Lords, the centre of these conspiracies and these projects was found to be, not in the Ionian Islands, or in the Mediterranean, but in London; and it was in that belief that it was thought necessary to issue a warrant to detain and open the letters addressed to M. Mazzini. Your Lordships are already aware that that warrant was not issued by me, or at my desire. In saying this, however, your Lordships are not to understand that I was not prepared to sanction the issuing of that warrant, or that I wish to throw off any responsibility that may attach to me, as a Member of the Government, on account of that act. On the contrary, I am quite prepared, with every other Member of the Government, to share in the full responsibility of that step. But, my Lords, those letters, so detained, were sent to me from the Home Office, for me to deal with them, and the information they conveyed, according to my discretion, and as should appear to me to be consistent with my duty. My Lords, the course I adopted was this—I determined that no agent of any Foreign Government should see a single syllable of the contents of those letters; and further, that no agent of any Foreign Government should know that any such letters existed, and, of course, the name of no one of the writers of them. In addition to this, I determined to keep in view the necessary regard to the personal safety of all those individuals who might in any way be compromised by any information those letters might contain. With these views, and with these precautions, I communicated from time to time such information as I felt I could communicate, consistently with these restrictions and with my duty, to the Austrian Government. And, having acted with this care and caution, I felt myself entitled last year, in answer to the question put to me by the noble Marquess opposite (the Marquess of Clanricarde), to say that no syllable of these letters had been submitted to the inspection of any Foreign Government. Your Lordships will recollect the circumstances that led to that declaration of mine. A complaint had been made that the lodgings of a certain Pole, whose name I forget, had been entered, his writing-desk broken open, and his papers taken and delivered to the Minister of the Russian Government. That accusation was denied, and the noble Marquess then asked me and the Government whether the letters of M. Mazzini had been opened, and their contents submitted to the inspection of a Foreign Government? Now, my Lords, feeling as I did how I had dealt with those letters, I felt myself perfectly justified in saying, not a syllable of their contents had been submitted to the inspection of any Foreign Government. And, my Lords, I feel that I am entitled to say, that the precautions I took for the safety of those persons who might be compromised by the contents of the letters were perfectly successful; and I have reason to believe that not a single individual has suffered in consequence of any information given by this Government to any Foreign Power. This brings me more immediately to the question of the noble Lord (Lord Beaumont). I have seen some ingenious reasoning founded on the Report of the Committee of the two Houses of Parliament, in which it is said care was taken not to endanger the safety of any person within the power of that Government to whom the information was given, and therefore it has been presumed that the safety of persons not in the power of that Government was endangered. But my Lords, the statement in the Report of the Committee is the result of an answer given by me to a question put by a Member of the Committee, viz., whether any person was endangered by the information so given by me to a Foreign Government who was in the power of that Government? I said, of course, Decidedly not; but it did not, therefore, follow that any persons out of the power of that Government were endangered by the information so communicated. Now, the Italian exiles resident in Corfu, not being at that time under the power of the Austrian Government, it has been supposed that by a sort of quibble or evasion on my part, my answer did not apply to the condition of such persons. My Lords, the shortest answer I can give to the noble Lord on this point is, that I never had the most distant conception of any attempt being about to be made from Corfu upon the Italian States at one time or another. The noble Lord speaks as though there had been a preliminary plot which was put a stop to. My Lords, I know of none. I knew that there was great excitement prevailing among persons not in Corfu, but I never heard of any plan concocting at Corfu by any persons to invade any part of Italy. No doubt at Malta there had been great complaints for the last two or three years of the great license accorded to Italian refugees residing there; and we have been often remonstrated with on the license so assumed by Italians in Malta, exhibited particularly through the medium of the press of Malta, and the inflammatory productions which, emanating from that country, had been circulated throughout Italy, causing great alarm on the part of those Governments interested in preserving the peace of the Italian States. Not that I ever supposed that any serious attempt would be made from Malta, but that the spirit exhibited by the Italian refugees against their Governments was, as their Lordships were aware, more strongly exhibited there than at any other place. For my part, however, I have always been disposed to look at Corsica as the spot from which danger was to be apprehended; but as to Corfu and the Ionian islands, I had not the most distant conception of any attempt against any part of Italy emanating from them. I knew, or at least I believed, that a great number of Italian refugees were in Corfu; but I had no knowledge of, and had never heard of, any insurrectionary intentions contemplated by them against Italy. I was aware that one of the sons of Admiral Bandiera had been at Corfu, because the Austrian Minister remonstrated with me on his having been allowed to arrive there with an English passport; and I also knew that when he deserted from Venice to Naples, he said he was going to Corfu. I knew, too, that his brother, the other Bandiera, was at Malta, because the Captain of an Austrian vessel of war demanded of the Governor of that place that he should be surrendered up as a deserter, and that Sir Patrick Stuart, the Governor, replied that he had no power to comply with that demand. I remember on that occasion that a noble Friend of mine, now sitting near me, applied to know whether I approved of that decision of Sir Patrick Stuart's; and my official answer to that application was that if he had no power, he was quite right in refusing to surrender Bandiera; but I added that if even he had possessed the power, he would have been wrong in surrendering that gentleman as demanded. Therefore, my Lords, I certainly knew that one of the Bandieras was at Malta, but beyond that I had no knowledge of any design, amounting to any practical project, entertained by them of any descent into Italy. My Lords, it must be remembered that the desertion of the Bandieras was considered an event of great importance in Italy. You are aware that the Austrian navy consists almost entirely of Italians, and it was impossible to know how far the example of the Bandieras might extend; and great alarm was naturally felt by the Austrian authorities in consequence of that event, and a proportionate degree of excitement took place amongst the Italian refugees scattered throughout Europe, not only in the Mediterranean, but in this and other countries, at the prospect afforded them by the desertion of those two officers, the sons of a very distinguished person, in command of the Austrian navy, though not actually employed at the time, of effecting a change in the government of their own country, which they had long hoped to obtain. But, my Lords, as I said before, I had no knowledge of, or reason to expect, that any descent or movement against Italy, emanating from Corfu, was contemplated; and I can show clearly that it was impossible I could, for the whole of the expedition was, I believe, planned and executed in a single week. Lord Seaton, writing to my noble Friend (Lord Stanley), who had asked for an explanation of what had taken place, said,—

> "The younger Bandiera arrived in Corfu in February, by an Austrian packet, and, expecting to be supplied with money from his brother at Malta, proceeded to that island by the first British packet that sailed, but not meeting with him, he returned and went to Greece the same month. On their subsequent arrival in Corfu, on the 5th of June, it was their intention to proceed to England. Colonel Ricciotti also arrived from Malta on the 5th of June, intending to go by that route to Italy."

So that they arrived on the 5th of June, and on the 12th of June the expedition took place. Therefore, how was it possible that any information could have been received here of an intention which only had existence after the arrival, on the 5th of June, of persons who left Corfu to carry out that intention on the 12th of the same month? This, my Lords, is, I think, decisive, and proves that it was impossible for any information to have been given to any quarter by the British Government. Of course, if I had known, or had reason to suspect, that any attempt would have been made from Corfu, no doubt Lord Seaton would have been informed, and his attention called to this circumstance. But Lord Seaton was not only not informed, and could not have been informed, but when the expedition had actually departed from Corfu, Lord Seaton would not believe the fact. When these misguided men had actually embarked, and the Foreign Consuls residing at Corfu went to Lord Seaton and demanded his assistance to bring them back, he would not credit that they had gone with the intention of making a descent on the coast of Calabria, and refused to take any measures to arrest the parties and bring them back. Therefore, my Lords, that is the short answer I have to make to one of the questions put to me by the noble Lord, viz., whether Her Majesty's Government had any knowledge of the expedition being intended, and if so, whether they took any means to prevent it. I positively assert that we never had the slightest knowledge of the intended expedition until after it had actually taken place, and could not consequently take measures to prevent it. And I have now the proof that, from the position of the parties engaged in it, it was impossible that any such previous intention existed, for they arrived in Corfu only on the 5th of June, and the expedition sailed on the 12th of the same month. But the noble Lord also makes another accusation, which I will venture to say is equally unfounded —an accusation against the Austrian or Neapolitan Governments, or both, of having sent emissaries to induce these persons to undertake this desperate enterprise. My Lords, there is no reason to suppose that anything of the sort took place, and I think I can prove that there did not, to your Lordships' perfect satisfaction. When these men embarked on the night of the 12th of June, the several Consuls of Austria, Naples, and the Papal States, went the next morning at ten o'clock to Lord Seaton, and informed him of the fact, of which he was previously ignorant, and entreated him to take measures to pursue them and bring them back. Was that the conduct of persons who wished to prompt and encourage the descent, and allure these parties to their destruction? If that had really been the object, they would have allowed them to go without interference, being satisfied that on their arrival in Italy, they must necessarily fall into the trap prepared for them. Now, Lord Seaton says,—

> "When the Consuls of Austria, Naples, and the Papal States, waited on me at ten o'clock in the morning of the 13th of June, and informed me that sixty Italian refugees had left Corfu to make a descent upon Calabria, I thought it likely that it was a mere report of the town; and I stated that I would give directions to the Director of the Police to inquire into the truth of the circumstances stated; and that as soon as the officer of the Police made his report I would send for them. Before the Director of the Police had had time to collect the information, the Consuls returned to me at half-past eleven o'clock, and having inquired whether the facts reported by them had been verified, Mr. Meyerbank, the Austrian Consul, requested me to order the *Medea* steam-frigate to proceed to sea to arrest the refugees and bring them back. I replied that the *Medea* could not be sent for that purpose—and I added that I believed that the number of persons reported to have embarked was greatly exaggerated, and that I was sure they could have no intention of landing at Calabria; but I consented that a boat should be ordered to proceed to Otranto, and placed at the disposal of the Neapolitan Consul there, so that intelligence might be immediately transmitted to Naples by telegraph."

Now, then, your Lordships will perceive that the Consuls entreated Lord Seaton—that they made bitter complaints against Lord Seaton for not complying with their request to send the British steamer in pursuit of the boats of the refugees, for they said that as it was a dead calm, the steamer might easily have overtaken them and brought them back. And, my Lords, I am constrained to say that I regret that Lord Seaton did not think it consistent with his duty to adopt that course. I do not know what flag these men sailed under; but, be it what it might, under the circumstances of the case, I do think that Lord Seaton might properly have despatched the steamer after them and brought them back; and, out of mercy to the parties themselves, and regard to that Government with whom we were on friendly relations, and whom they were going to disturb, I think he might have made that exercise of his authority, and brought back those persons as requested by the Consuls who made the application. But, my Lords, I think the facts I have stated prove sufficiently that at least the Austrian Government were no parties to any such design or undertaking as that which was resorted to. And now, let me call your Lordships' attention to what took place when these persons landed in Calabria, which will, as I think, equally show that it was impossible for the Neapolitan Government to have had any previous knowledge or share in the transaction. The exiles were three days at sea, the calm lasting the whole of the time. They sailed from Corfu on the night of the 12th of June, and landed on the coast of Calabria at Cortona, on the evening of the 16th. They advanced for three days through a very thinly peopled country without meeting with any opposition. Can your Lordships suppose that if they had been excited to this step by emissaries acting under directions of the Government, which it was their object to subvert—as the noble Lord (Lord Beaumont) supposes—that that Government would not have taken means to provide for their reception? Do you not suppose that troops would have been in the neighbourhood to apprehend them at the moment of their landing? But so far from this being the case, there were no troops in the country, and the insurgents advanced for three days without opposition. On the evening of the 19th they fell in with an assemblage of persons collected hastily to oppose them, whom they attacked, and over whom they obtained an advantage, for they killed the leader of this rural guard—this half-armed population. They had the advantage at first, killing one and wounding one or two other persons. They then advanced to Cosenza, where they expected to liberate certain other political offenders there confined. On the 19th, however, a greater number of persons were collected to oppose them, but still without troops, and by these the exiles were attacked and overcome. Mr. Temple, writing to the British Minister at Naples, gives an account of the manner in which this was effected, and that account completely confirms what I have stated. He says,—

> "When the exiles arrived at Cortona on the 16th of June, they proceeded over a thinly-inhabited and mountainous country on the road to Cosenza. On the 19th, at night they fell in with a small force consisting of a few of the civil guard and two or three gens d'armerie, with whom they exchanged some shots in the dark—killing the leader of the guard, and wounding one of the gens d'armerie. They then continued their route to San Giovanezza; but the judge of that place having collected together a large force of the inhabitants of the country, supported by a few gens d'armerie, approached the invading party, and having fallen in with them, attacked them with success, killing, wounding, and capturing the whole, except five who fled, but who were afterwards taken. The result of this attempt must be most satisfactory to the Government, inasmuch as it was entirely put down by the inhabitants themselves, with the aid only of a few gens d'armerie, but without the support or presence of any troops."

It is true that when the intelligence sent by Lord Seaton reached Naples, a battalion of infantry was despatched to Calabria, but it arrived when the affair was all over, so that in fact no troops were nearer the point of their landing than the city of Naples itself. Now, my Lords, is it likely, is it credible, that the Neapolitan Government, if they were privy to this undertaking, should have had no troops nearer to the scene of action than the city of Naples? Yet no troops arrived until after the landing was effected, and the inhabitants of the country had effectually put down the insurrection. It is quite clear, then, as I think, that the Government of Naples could have had no previous concern in this transaction. But, my Lords, I will not undertake to say there was no treachery in the case, because it is said, I am aware, though I do not know where the proof of it rests, that one of the party did betray his companions. This statement is, I believe, founded on a difference in the sentences, by which he was condemned to a lighter punishment as compared with the others. Nine of the prisoners were shot, seven others were condemned to death, and one to five years' imprisonment; and the difference in the sentences appeared to have confirmed the notion that this man who was sentenced to five years' imprisonment was the betrayer of the others. But in what manner he was a traitor to his companions—what was the effect and what the result of his treachery, I am at a loss to understand. I have never yet been able to understand what it is supposed he obtained by his treachery. This man, who was a Corsican by birth, was condemned to five years' imprisonment; but to show that this is a real punishment, and a pretty severe one too for a person who is supposed to have been instigated by the Neapolitan Government itself, I will state to your Lordships that this Corsican, writing to the British Minister at Naples—his father having been under British protection, and he himself having, as he stated, in some way served the British Government, requested from him some pecuniary assistance, and implored him also to exercise his influence with the Neapolitan Government to obtain his liberation from prison. Mr. Temple, in reply, stated very properly, "I can do nothing of the kind; if it is true, as you say, that you have rendered a service to my Government, it is for that Government to acknowledge it." And he added, "if they had not done so, it was not his business to show regard to a man who had joined a band to invade a country and disturb a Government with which Great Britain was on terms of peace and friendship." Therefore, my Lords, what the amount of this man's treachery may have been I will not undertake to say. I cannot, however, see that it can possibly have had any influence with the undertaking in which he was engaged, or its results. And, for myself, I should consider that the difference of punishment in his case resulted from the fact, that there were, as stated in the decree, some extenuating circumstances in regard to him, which rendered the punishment of death not called for as in the case of the other. I must also, my Lords, be permitted to add that, so far from the Neapolitan Government being satisfied with these proceedings at Corfu, that the Neapolitan Minister in this country was ordered to remonstrate with me on account of the remissness of the authorities at that island; and so strongly did he do so, that his remonstrance almost amounted to an imputation of something more than remissness on the part of those who might have prevented the expedition. I state this as a proof that the Neapolitan Government, from first to last, viewed the proceedings in the same manner as did the Austrian Consul, who, at Corfu, complained quite as bitterly to his Government of the course pursued by Lord Seaton. Now, as to the charge of there being emissaries and treachery in this affair—we know that it was by the merest accident in the world that one of these persons, and a principal one among them, was not taken with my passport in his possession. It was by the merest accident that such was not the case; and, if it had been so, their Lordships would not have supposed that I could have been so guilty—there would not have been wanting charitable persons elsewhere to believe that I was privy to the plot, and had given the passport to this man for the purpose of conveying him to destruction. It is necessary that I should explain this circumstance to your Lordships. The principal persons in this affair were not the two Bandiera (who were enthusiastic, but misguided, young men), but a certain Colonel Ricciotti, who for many years had been engaged in similar enterprises, and was much looked up to by the discontented in the Italian States. Colonel Ricciotti, in March last, applied at the Foreign Office for a passport. Your Lordships are aware that it is not the custom for the Foreign Office to give passports to foreigners, and Colonel Ricciotti, therefore, represented himself as a native of Gibraltar, gave a feigned name, and stated that he was a merchant, desirous of proceeding to Italy for the purposes of commerce. He was recommended by a London tradesman, as it is usual, when the party applying is not known, that he should be prepared with a recommendation. But, as the tradesman was not known, the passport was refused, it being the practice only to grant passports to persons who are themselves known, or who are acquainted with, and come recommended by, some person who is. In a short time after the refusal, a recommendation in favour of this person came from a most respectable business house in London—a banking house—and the application was then granted at once, and Colonel Ricciotti left England with my passport, for Italy, under a feigned name, as a British subject. As I said before, he was a person who had long been engaged in such enterprizes, and, though not well known here, was well known to the French police, and when on the point of embarking at Marseilles he was arrested by the police authorities there, and was detained, as was also his passport, under the impression that it had been improperly obtained. Application was immediately made to me, and I confirmed that impression, and the passport was then taken from him. How he arrived at Malta from Marseilles, and afterwards contrived to join the Bandieras at Corfu, I do not know. But, my Lords, had it not been that he was arrested at Marseilles, he would have gone to Italy, with my passport in his possession. My Lords, I am one of those who wish to extend the utmost hospitality to foreigners of all ranks and all parties. I have always, both in my private and official character, wished to show the greatest consideration and indulgence to all persons of that class, come from where they may. I have had intimate friends in Italian exiles, Polish exiles, and Spanish exiles of all kinds, and I have never on any occasion sacrificed to the pleasure of my Government what I felt to be due to private worth. But, on the other hand, something is, I think, due from those who are the recipients of the hospitality of a free country, and your Lordships will scarcely be prepared to admit that the deception practised by this person to whom I have alluded was justifiable. The unfortunate man has, however, come to an unhappy end, and I will not further refer to him. I mention the circumstance in reference to what the noble Lord has said about these unfortunate men being allured to their ruin; but it occurred to me that if this Colonel Ricciotti had been taken with a passport from me found in his possession, it might have given rise to commentaries such as the noble Lord has made. I think, my Lords, I have now fully answered the noble Lord's questions, and proved, I am sure, to his satisfaction, that I had no previous knowledge of any such expedition being intended from Corfu, and that neither the Austrian nor the Neapolitan Governments could have had any participation in this mad and senseless scheme. My Lords, I feel it is a most painful imputation to lie under, however unjust. I am sure your Lordships will look at the matter with candour and impartiality. I can only say that I stand fully acquitted by my own conscience of having had the slightest share in this catastrophe. My Lords, at the great day of account, no doubt we shall all have much to answer—no doubt we shall all—even the best of us—have great need to cry for mercy and forgiveness; but if the noble Lord opposite, who has questioned me, were the object nearest and dearest to my heart, I could ask nothing better for him—as I ask nothing better for myself—than that any charge on that day may be as groundless as the imputation of my having contributed, in the slightest degree, to the fate of these unhappy men.

Lord *Beaumont*, in reply, said, that when he rose to address the House, he stated that the version he was about to give of the Bandiera conspiracy was the version given of it out of doors. He felt bound to state that he was fully satisfied with the explanation that had been given by the noble Earl; and which was not only a complete vindication of himself as to any participation in treachery—that, he must say, he did not think the noble Lord capable of, even before his explanation—but he was also bound to allow that it was a complete vindication of the Neapolitan Government. That story itself stood on so frail a basis, that he could not profess any longer to think that it was true. He was bound to make this statement. He was glad that the noble Earl had had an opportunity of making this statement; and he trusted that the public would be convinced, as he was, that the stain which had been cast upon the Government, had not been merited by their conduct. There was, however, one part of the subject which had not been explained to his satisfaction, namely, that part which supposed that the fear of a disturbance in Italy, was a justification of the violation of the secrecy of private correspondence; and he might say that the threat by the Austrian Government to march into the States of Italy was not sufficient to encourage the noble Earl to examine into correspondence in the manner that it had taken place. He thought it would have been better for the noble Earl to have waited until the threat was put into execution, than have allowed the possibility of a charge being made against the Government of acting as the spy of Austria, and upholding despotism in the smaller States of Italy. He repeated that he was glad he had afforded the noble Earl the opportunity of making the explanation he had done.

House adjourned.

HOUSE OF COMMONS,

Thursday, February 27, 1845.

MINUTES.] BILLS. *Public.*—2°· Property Tax; Stamp Duties Assimilation.

Private—1°· Huddersfield and Sheffield Junction Railway; Leicester Freemen's Allotments; Norwich and Brandon Railway Deviation, and Diss and Dereham Branches; Cromford Canal; Leeds and Thirsk Railway; Bridgewater Navigation and Railway; Barnsley Junction Railway; Wallasey Improvement; Whitby and Pickering Railway.

PETITIONS PRESENTED. By Mr. G. Hamilton, from Athlone and Dromore, for Encouragement to Church Education Society.—By Mr. Collett, from Lincoln, for Repeal of Stamp Duty on Attorneys' Certificates.—By Mr. R. Palmer, from Newbury, for Repeal of Malt Duty.—By Mr. Bright, from Durham, for Remission of Post Horse Duty.—By Mr. Cripps, from Gloucestershire (3), and Mr. P. Scrope, from Minchinhampton, for Alteration of Insolvent Debtors Act.—By Mr. Forbes, from Stirlingshire, for Alteration of Mines and Collieries Act.—By Mr. Spooner, from Birmingham, against Increase of Navy.—By Mr. W. Miles, from M. Walters, Esq., for Alteration of Parochial Settlement Bill.—By Mr. Wakley, from Finsbury, for Post Office Inquiry.—By Colonel Thomas Wood, from Uxbridge, for Alteration of Law of Promiscuous Intercourse.—By Mr. Brotherton, from Cheshire (6), Mr. W. Miles, from Henstridge, and Captain Plumridge, for diminishing Public Houses.—By Mr. Spooner, from Canal Proprietors, for regulating Railway Charges.—By Mr. Hawes, from Lambeth (2), for Redemption of Tolls on Metropolitan Bridges.—By Sir C. Napier, and Captain Rous, from Middlesex (3), for Repeal of Window Duty.—By Mr. Barnard, from Greenwich, against Greenwich Improvement Bill.—By Mr. Bright (4), and Mr. S. Herbert (2), for Repeal of Game Laws.

COMPANIES' CLAUSES CONSOLIDATION BILL.] On the Order of the day for the further consideration of the Report of the Companies' Clauses Consolidation Bill,

Mr. *Hawes* reminded the noble Lord (Lord G. Somerset) of his promise last Tuesday, to state to-day the course he would pursue with respect to the power of the Committee of the Board of Trade, relative to the jurisdiction the Committee had in railway matters. He then had stated, that he had strong objections to the very extensive powers given them over private property, and expressed his willingness to take the discussion as to the propriety of investing them with such powers, either on the 47th Clause, which confirmed these powers to the Committee, or upon the bringing up the Report. Still, he thought, the subject was of such importance, that it was highly desirable that clause should be argued in a full House, when the leaders of both parties being present might state their opinion in debate.

Lord *G. Somerset* said, though he was not inclined to precipitate the passing of the Bill, he must recommend to the Committee not to throw any unnecessary delay in the way. He would also undertake that full opportunity should be given to all who entertained doubts as to the propriety of investing the Committee of the Board of Trade with these important powers to express those opinions, and take, if they thought proper, the sense of the House on the clause. He begged, as there were now pending in full House many important financial and commercial propositions, which precluded the possibility of affording time for the discussion of this important subject in full House, that they would permit him to go through the clauses *seriatim,* and take the discussion of this subject, not on the 47th Clause, but upon his bringing up the Report upon the Bill.

Mr. *F. Maule* assured the noble Lord he had no inclination to throw any obstacles in the way of speedily passing the Railway Clauses' Consolidation Bill. He, nevertheless felt there were substantial grounds of objection to the extensive powers given by this Bill, particularly by the 47th Clause, to an irresponsible body. There was the greater necessity for an immediate decision of the House of Commons upon the propriety of reposing these extraordinary powers in the Committee, because, should these powers be refused them when they came to the latter clauses of the Bill, they would have their labour in vain, for the clauses, in many instances, must of course be remodelled. It behoved them, therefore, to decide upon the principle as quickly as possible.

Mr *Aglionby* thought that that objection was merely technical. It was decided there must be some tribunal, and the only question was what that tribunal should be. If the House determined it should not be the Board of Trade, it would only be necessary to go formally through the clauses to alter the name of the tribunal.

Lord *G. Somerset* begged to assure hon. Members opposite, that his hon. Friend the Vice-President of the Board of Trade had bestowed great attention on the Alterations and Amendments suggested; but they were all of a technical character, and could, therefore, be easily disposed of on the Report being brought up. With regard to the clause affecting officers refusing to make up their accounts, &c., he (Lord G. Somerset) proposed that bail might be taken by the magistrates. With respect to Clause 120, on the subject of dividends, he had found that it admitted of no doubt in its construction, and, therefore, need not be altered.

Mr. *Hawes* objected to the clause. He wanted to know how capital stock was defined, and how under certain circumstances the dividends were to be paid if this clause passed as it stood. Much practical inconvenience would arise from it, because parties now paid up their capital by instalments, and received interest upon it pending the construction. There were cases in which it was advantageous to pay a dividend out of the capital stock. Besides, what one company called capital stock, another did not. There were different modes of keeping the accounts in this respect, and great practical difficulty would be imposed upon the companies unless it were defined what capital stock was. He should move as an Amendment to leave out the word "scheme."

Mr. *Hayter* believed the noble Lord did not propose to prohibit companies from applying a part of their capital to payment of dividends. If the present clause were construed by that immediately preceding, he did not think any such prohibition existed; but, taking this clause by itself, it might be differently construed. The introduction of the word "such" before dividends would obviate the difficulty, by thus making it necessary to interpret the present by the preceding clause. Then it would stand so that there would be no prohibition against companies to pay part of their dividends from capital pending the construction.

Lord *G. Somerset* said, it was not the object of the clause to prevent the payment of dividends from the interest of capital, for that he thought was legitimate; but to prevent the payment of dividends out of the capital stock after the works were completed, and when no profits had been obtained. It was well known that many companies had gone on paying dividends out of their capital stock, as if they were in a most flourishing condition. He did not mean to say that there might not be some special cases; but there would be in the several Acts out of which those arose special provisions for them, and he did not think that the words should be struck out on that account. His object was, to prevent the practice which had been adopted by the companies to whom he had alluded, who went on paying dividends, when in fact they had realized no profits, until their capital no longer existed.

Mr. *Aglionby* said, that he quite understood the noble Lord meant the clause to apply to fictitious profits. But the cases which he had put the other day had not yet been met. The first was the case of a coal company—whether they should consider the coal as part of the capital stock of the company: the other, that of a land company, who, supposing they laid out 100,000*l.* in the purchase of 100,000 acres, and they had sold 10,000 of those acres for 20,000*l.*; was one-half of that sum to be divided as a bonus, or was it to be considered as part of the capital stock of the company?

Mr. *Gladstone* said, that if any difficulty existed in the apprehension of the clause, it would be better to obviate it by the introduction of some other words. But it must be recollected that this was a general Act, and intended only to regulate other special Acts to be introduced hereafter. Those special Acts would provide for their own peculiar exigencies; and he did not think that there was any difficulty in this clause which might not be readily adjudicated by a legal tribunal. He did not think there was more difficulty to be encountered in dealing with this clause than any other involving questions of commercial legislation; and it should be recollected that it had the sanction of long-continued precedent for its present shape.

Amendment withdrawn.

Mr. *Spooner* said, it would be a great hardship to give the creditor of the railway the power of distraining the goods of the treasurer for the debt of the company. He would have no objection that there should be a power to distrain for the amount of the balance in the hands of the treasurer belonging to the company.

Lord *G. Somerset* admitted that there was a seeming hardship to allow distraint upon the treasurer of an insolvent or bankrupt company. But the treasurer could at any time relieve himself by resigning his office, when the creditors would know what balance really existed. At present, the creditors were frequently evaded by the treasurer's denying the possession of a balance.

Mr. *Aglionby* said, that the clause would go in direct opposition to the policy of all the Acts which had been passed of late years; which policy was, to give creditors a full remedy against the company, and, at the same time, to protect the officers. The Act, the 7th Victoria, was passed to enable companies to wind up their affairs, or to enable the creditors to compel them to wind up; so that there was no reason for the introduction of so stringent a clause as the present. He approved, therefore, of the Amendment proposed by the hon. Member for Birmingham.

Mr. *Hawes* said, that the treasurer ought not to be made responsible for the whole of the debts of the company, whereas he knew nothing of their assets beyond the book account. The effect of the clause as it stood would be, to deter from accepting the office of treasurer the class of persons whom it was most desirable to have placed in that office.

Lord *G. Somerset* said, he would take time to consider the clause before the third reading. For the present, he would withdraw it.

The remaining clauses were agreed to.

Bill to be read a third time.

RAILWAY COMPANIES' CONSOLIDATION BILL.] Bill re-committed.

On the 12th Clause,

Colonel *Sibthorp* protested against the course they were following. By three or four clauses of this Bill, particularly the 14th, they were giving such extraordinary powers to the Board of Trade as amounted to a dangerous violation of the rules of law relative to private property. He had always understood that, by residing in England, he lived in a free land, where any man's property, be it small or large, was preserved to him, and his right to it recognized and respected; and particularly the property of the poor man, for the inviolability of whose right he was more anxious than those of the rich, or than even of his own; therefore, he should get credit for not having any selfish motive in his opposition to the clause, for his object was the public good. He admitted that the Board of Trade was an intelligent, and even, he believed, a disinterested body; but of what value would it be to a poor man to have the power of appealing to them, when he had not the means of doing so? And, besides, he looked upon the Board of Trade as incompetent to decide such questions. The 14th, 15th, and 16th, and on to the 20th Clauses, gave a company a power of deviating 100 yards either to the north, south, east, or west, as they thought proper. Why, he would say, that this deviation would have the effect of rendering the property of many poor men totally valueless, and of completely annihilating that of others. Many poor men would be driven from their habitations in disgust by those encroachments rather than resort to this appeal. And then, as to compensation, don't talk to him of such a thing! There might be circumstances under which no compensation could be sufficient. He had in his possession property that no amount of compensation could make amends to him for the deprivation of it by this sort of encroachment. But, he would ask, why should not the rights of the smallest cottager be as much respected as his? If these clauses were suffered to pass, he would ask, what would there be left to prevent railroad proprietors deviating to the right or left of the original line to any extent? In fact, no man in the country would be fool enough to buy property in the country so circumstanced. He felt assured that the noble Lord near him would be the last man in the world to do any man an injury; he was sitting here only in the capacity of a public officer, and therefore no blame attached to him. He (Colonel Sibthorp) knew how useless it was for him to expect that he would have any weight in this House; but he would divide the House upon this question, in order to record his vote upon it.

Lord *G. Somerset* said, the encroachments could not be made without the sanction of the proprietors and holders of the land. This, he thought, would remove the objection of the gallant Gentleman behind him.

Mr. *Aglionby* feared that the latitude of deviation from the line to the extent of 100 yards, would operate as an encouragement to latitude and carelessness in drawing the plans. Now, it was of the utmost importance to parties affected by railway, to know accurately how the line would cut their land, and it often happened, from the manner in which the plans were drawn, that an owner had great difficulty in distinguishing his own ground. As to the argument that the consent of the proprietors must be gained to deviations, he must impress upon the Committee, that that only applied to an extent of deviation beyond the 100 yards. All deviation within the 100 yards was compulsory upon them, and might be made without their consent. It was of great importance to ensure exactitude in the plans, so that parties might know how they really were to be affected. His argument applied particularly to the case of the small owners.

Lord *G. Somerset* said, that no man had evinced himself more anxious for the protection of the small proprietors than he had. The argument of the hon. and learned Gentleman would apply to the main line equally with the deviations. Some power of deviation must be given, and the parties affected would know by the plans and by notice, how they would be affected, and that they gave up not only 100 yards, but the contingent possibility of giving up 300 yards. If the party objected to that, it would be for him to make his representations in the proper quarter.

Mr. *Hayter* said, the power had been given in former acts, and he (Mr. Hayter) did not see why it should be objected to now. To restrict further the power of deviation, would be to retard the onward progress of railways.

Mr. *Gladstone* said, there might have been a disposition on the part of companies and engineers to take a large latitude, and it might be that restrictions formerly necessary might be brought now within narrower limits. But he was surprised at the point now taken up, because Gentlemen were now objecting to a part of the clause which limited and did not extend former powers.

Colonel *Sibthorp* said, he would not put the Committee to the unnecessary trouble of dividing, but content himself with protesting against the large powers of deviation given to the companies.

House resumed.

Committee to sit again.

The House suspended its sitting until five o'clock, and then resumed.

STRAW PLAT.] Mr. *W. R. Collett* wished to ask the right hon. Gentleman the First Lord of the Treasury, whether, in the newly revised Tariff, it was his intention to retain the present protection duty on straw plat, as a numerous body of industrious persons in the counties of Bedford and Hertford were deeply interested in this branch of national manufacture.

Sir *Robert Peel* said, that as a doubt

had arisen, in consequence of the expressions used in the description of this article, he would briefly explain how the case stood. There were three different articles; there was what was called straw or grass for platting; then there was platting of chip; and lastly, there was straw platting. The Government proposed to take off the duty on the raw material, namely, chip for platting, and the straw or grass for platting, being the unmanufactured article; but what is generally called straw plat, he proposed to let stand as it is at present, that being a duty on a manufactured article.

Registration of Seamen.] Mr. *Hutt* wished to ask a question of the right hon. Gentleman the Secretary of the Admiralty. The right hon. Gentleman was no doubt aware that in the course of last Session an Act was passed that all British seamen should register themselves, and that they should obtain a certificate of such registration, without which they could not be received on board of any British ship, and that if the captain received them he would be liable to a penalty. In the coasting trade of this country, there was a considerable body of foreign sailors engaged. The Bill of last Session afforded those men no opportunity of registering themselves: they had consequently been thrown out of employment, after, in many instances, having been engaged in the British coasting trade for ten, twenty, or thirty years, and although they were reckoned among the very best sailors employed in the trade. He wished to ask whether it was the intention of the Government to propose any measure this Session with a view to remove this hardship?

Mr. *Corry* was understood to say, that although many foreign seamen had been thrown out of employment by the Merchant Seamen Act of last year, yet all foreigners who had become domiciled in this country, by obtaining a certificate of their registration and taking the oath of allegiance, which they might do at a charge of two shillings, were qualified to serve as seamen in the British merchant service.

Game Laws.] Mr. *Bright*, after presenting petitions against the Game Laws from Horsham, Sussex; from Alnmouth and Alnwick, signed by farmers and landowners; from farmers and landowners resident on the west side of the Severn, in Gloucestershire; and from Ruslip, in Middlesex, signed by almost every occupier of land in the parish, said, that he rose to move for a Select Committee to inquire into the operation of the Game Laws. He felt the full importance of the subject; and at the same time how much it was likely to suffer from not being in the hands of some older and abler Member of the House than himself. The importance of the subject, he was sure, must be felt by all. For several years past a considerable number of the convictions, particularly at petty sessions in agricultural counties, had been for offences against the game laws. Hundreds and thousands of poor people had been fined and imprisoned for these offences; there had been the most violent outrages, the most fearful and ferocious encounters between gamekeepers and poachers, ending not unfrequently in the death of one party or the other; and it appeared also, that the last sentence of the law had frequently been visited on persons in consequence of offences against the game laws. It was because he (Mr. Bright) felt a deep sympathy for these, the poorest and most defenceless portion of the population, and as deep a reverence for the sacredness of human life, that he now asked the attention of the House to the subject of his Motion. He felt quite sure, that no considerable number of the Members of that House could refuse to accede to his Motion. He found his justification for bringing it forward in the fact that there were repeated instances heretofore of the appointment of Committees to inquire into the operation of the game laws. There was a Committee of that House in 1816, another in 1823, and another in the House of Lords in 1828. The object of the Committee of 1816 appeared to be to abolish the qualification for killing game then existing, and to enable persons to purchase certificates. The Committees of 1823 and 1828 went further, and legalized the sale of game. No one could, however, be unaware of the fact of the real cause of the appointment of those Committees. It was worth while to follow the course of those Committees. The Committees of 1823 and 1828 both appeared to go on the assumption that if the sale of game were legalized, gentlemen and lords of manors would not breed game for the market, and so drive the trade out of the hands of the poachers. What did the Committee of 1823 do? They examined a large number of poulterers from Leadenhall-market, and asked them whether the proposed plan would not put an end to poaching. The poulterers, being naturally anxious to have an open legitimate trade, of course decided in favour of legalizing the sale. But the Committee were warned by one or two of them, more straightforward than the rest, that the result would be different; that the rearing of the game would cost the gentlemen so much that the poachers, whom it cost nothing but the risk of being taken, would undersell them in the market. These suggestions proved in the end to be correct. The recommendations of the Committee failed in their effect, and the result of the whole scheme was the great increase of poaching, which he considered to be a ground for a further inquiry. He thought it was highly necessary that they should appoint a Committee to inquire into the subject and report the evidence to the House; and in order to support his recommendation he would lay before them some description of the evils which arise from the game laws. From the universal cry that had been raised throughout the kingdom from the tenant farmers, he would be justified in calling the attention of the House to that branch of the subject, and would lay bare, to some extent, the injury inflicted on them by these laws. He was aware that some objection would be raised to that course; but, considering how many hon. Members were landed proprietors, and how many had, and most naturally have, a very strong sympathy with those cultivators of the soil, there would be no objection to examining this part of the question; and, in connexion with it, he should give to the House some particular cases of damage. About three weeks ago he was in Hampshire, and had an opportunity of conversing with several farmers, and received from them many facts connected with this question. One farmer had written to him, saying—

"Twelve acres of wheat completely spoiled, ploughed up and sown with barley, the loss upon which, with the extra ploughing, harrowing, and seed, and the difference in the value of the two crops, I calculate at	£45 0 0
32 acres more injured to the extent of six bushels per acre .	57 0 0
20 acres of vetches destroyed .	60 0 0
14 acres of young sainfoin . .	42 0 0
The total loss he had sustained in one year was	204 0 0"

The farmer he spoke of was a tenant of a Member of one of the Houses of Legislature, and he had said that if the Committee which he (Mr. Bright) now asked for was granted, he would gladly come up and give evidence and tell them all he knew in connexion with this subject. Another case, from the same neighbourhood, was that of a farmer, who, with his own lips gave him (Mr. Bright) the particulars he was about to state to the House. He farmed 600 acres of land—he had one field of seventy acres running along a preserve belonging to ——. He (Mr. Bright) should be happy to give the name to any Gentleman in private, but the House would see the desirableness and necessity of his not mentioning the name unless he had special permission to do so:—

"For three years," the account continued, "he has had 50*l.* annual damage in this one field, and would as soon have kept fifty sheep turned loose on his own farm as the game from this preserve. He began to trap them, his lease allowing him to kill rabbits, and the owner of the farm not caring for the hares. Going down one Sunday, he found a live hare in the trap. He took it up, and gave it to his dog on the spot. A watcher, lying down in the cover, heard the hare squeak, summoned him, and he was fined 50*s.*, and costs 7*s.* 6*d.* He then took out a license, and for six months trapped fifty rabbits and twenty-eight hares per month. After that, he bought traps by the gross, and had twenty-four set at a time; but the gamekeepers invariably entered his land and stole them. When in turnips the shepherd turned up the turnips at night, and in the morning, there was scarcely one that was not half eaten by the rabbits. Hares eat the young corn in the winter and spring, and new shoots coming up do not ripen with the rest, so that the thrashing machine will not fetch out all the unripe grain, and what does come out is small and unripe (chicken's meat,) deteriorates the general average, and may be estimated at from 2*s.* to 3*s.* per quarter. Hares make runs or racks, sometimes the whole length of the field, clear nine inches wide; hares feed during the winter by biting out the hearts of the clover, and this injures the grass for the coming spring and summer, and the hay crop. Five years' damage on his farm at the very lowest cost was 300*l.*, notwithstanding the number of game he had destroyed."

And then he spoke of the ill-will that often was created between farmers and the landowners, and between farmers and gamekeepers. The latter were spies upon the farmers, and in a multiplicity of cases the farmers had to bribe them. But that state of things was not confined to one county. A respectable farmer, and tenant of an hon. Member of that House, in the neighbourhood of Stirling, had written to him, saying:—

> "I rent a farm of about eighty-five Scotch acres, and on this small farm I am sure I am 50*l.* the worse for game yearly. Last year in a field of turnips of about five acres, there were three acres almost totally destroyed. This year I should have been worse, but after I had upwards of two acres almost totally destroyed, I called three respectable men to value the turnips, in order to make the proprietor pay for them, and then was obliged to carry the remainder off the field to secure them from being eaten up. If turnips are thus destroyed, what must be the case with wheat, oats, and barley? I could furnish you with statements similar to this from a great many farmers in this neighbourhood."

The next case he would submit to the House was from the county of Chester. It was taken from the *Stockport Advertiser*, a newspaper that did not generally sympathise with him upon this subject. The writer, speaking of hares and rabbits, said:—

> "The breed of these animals, to the extent to which it has been encouraged in some parts of this county, is beginning to excite public sympathy towards those who are really suffering. On one estate, but a few miles from here, 300 brace of rabbits are destroyed weekly, besides a large amount of hares; and when it is moreover told that they are carried to the nearest market, and made a large profit of by the owner of the estate, it is no wonder that public sympathy has been enlisted, and particularly so when several of the tenants have been obliged to quit their farms because of the destruction created by the game, without adequate compensation for the loss. We are informed that, to prevent the intrusion of rabbits on a neighbouring farm or field, the road or hedge backs which separate the farms should be occasionally strewed with gas tar. It is computed that two hares will eat as much as one sheep."

The hon. Member for North Cheshire would easily discover to what estate he alluded. It was the estate of a young gentleman, and a young magistrate in that county; and he (Mr. Bright) had good reason for knowing that some of his farms at the present time, or very recently, were unoccupied, because they were overrun with game, and their produce was almost entirely devoured. It appeared, then, that this system was not confined to one county, but was spread over several. Another case was from a farmer at Clare, in the county of Suffolk, who said:—

> "The loss of the farmer often amounts to more than his rent; and his inability to employ the necessary labour for his occupation causes a turbulent discontented spirit to exist between the employers and the employed; as witness our late incendiary fires. The great increase of the county rates in Suffolk is traceable to the same cause. In casting my eye over the Suffolk newspapers of last week, I find more than half the convictions are under the game laws. Many tenants in —— parish are in a state of insolvency, and this solely from the damage done by game. I know them to be steady, honest, and industrious men; but whenever complaint is made, they are told they may leave their occupation if they like. I have noticed where game is most tenaciously preserved—in that neighbourhood have been most incendiary fires. My brother occupies a farm at Lanshall, and he tells me that the injury done to him by game on less than 100 acres was at least 50*l.* He is obliged to take out a game license to prevent a greater injury."

Another case was from Sussex. It was extracted from a newspaper published in that county, and was stated as the case of a Mr. Hayward, of Marshall's farm, near Maresfield in that county. He said that, in consequence of the great damage he had sustained from game, he had written three letters to his landlord; but, having received no answer, he published those letters in that newspaper. He said he had divided his land into the most damaged side, and the best side. On the best side about 18¼ acres produced 327 bushels, whilst on the other side about 14 acres 3 roods produced only 53 bushels; and that the damage computed by a competent valuer, was 129*l.* 11*s.*, for which he had not received a farthing compensation. He had also an extract from a speech of Mr. T. C. Beasley, whose farming the Duke of Rutland had upon one occasion greatly eulogized, at a meeting of the Waltham Agricultural Society, as reported in the *Worcester Herald,* in which he said:—

> "That some estates he had seen were a disgrace to the proprietors; he had recently counted in one field as many as eighty-three hares, and to keep these was equivalent to the support of twenty-three sheep. For his part, he would not keep them for any landlord in existence; and he would ask whether it was common honesty to expect any man to keep that quantity of game for his landlord?"

He (Mr. Bright) was not a farmer, and therefore could not be expected to understand the abstruse matters of agriculture; but he asked for a Committee, and if it were granted he should be able to bring evidence which no man could dispute, of facts more extraordinary than those he had stated, and which were altogether indisputably true. Another case was in the county of Buckingham; and it was deplorable that in that county there should be so great a destruction of produce by game as was stated in a speech reported in the *Aylesbury News* of the 19th of October, 1844, to have been delivered at a public meeting in that county by Sir H. Verney, a magistrate of the county. He understood from Gentlemen of all parties that Sir H. Verney was not a man to use exaggerated language, or make statements that could not be substantiated; and he said that—

> "Some occupiers were especially injured by the game preserves. Those who held land in districts where game was in great abundance, and where, consequently, the temptation to poaching was so great as not to be resisted, had especial reason to complain of the operation of the game laws. He had been informed, on good authority, that the destruction occasioned by game amounted to at least one-fourth of the whole crop. [A voice: "In Bucks?"] Yes: there were districts in this county in which one-fourth of the crops was consumed by game. Nor was that all of which the farmer had to complain; for, besides this serious loss, he had the increased county rates to pay, and to keep the poacher's wife and family in the union poorhouse whilst he lay in gaol. The farmers, in fact, were made to pay towards the preservation of that they most wished to see wholly destroyed."

At that meeting a memorial to the Queen's Government was recommended; but it was rejected by the majority of magistrates there assembled. A striking fact stated in that memorial was that, in 1843, 539 persons were committed to the county gaol, of which number 196 were for offences against the game laws. Those offenders were sent to prison, maintained there at the expense of the county, and their families were supported by their respective parishes. These were cases which he wished to submit to the House in connexion with that part of the subject; but he could assure the House that he had letters which it would take till the following morning to go over, detailing similar ravages of game, and some, from persons whose credibility was not to be disputed, were so remarkable, that he dare not bring them to the House, because he did not think that their statements would be generally believed. He expected that, if any hon. Member opposed the Motion he now brought before the House, he would tell him that the landowners had a right to keep game upon their land. He would not deny that they had that right; he had no wish whatever to interfere in the smallest degree with the rights of property, whatever injury might be done in particular cases; that even partial ravages by game, or occasional infractions of the law, would perhaps be less injurious than any real or serious attack on the rights of property. It was not proper that any man should exercise those rights that they should become a serious grievance and wrong to his neighbours and the community at large; and landowners should recollect that they did not keep game on their own land. A tenant-farmer who spoke at Aylesbury said, he should be glad if landowners would keep their game; but, if they had parks or lands of their own, there were always holes and outlets by which game came out for some other parties to keep them; and therefore he thought the hardship on the occupiers was very great indeed. In one of the cases he had referred to from Hampshire, the farmer told him that his landlord allowed him by his leave to kill rabbits, and he had no objection to his killing hares; but on the adjoining property the game was preserved, and, as they came into his land, he was obliged to take out a license to destroy them; but, notwithstanding all the time and attention he devoted to it, he could not prevent very great injury to his land. But there was another question which landowners had to consider; and here he begged distinctly to be understood that he had no intention in this discussion to bring forward any debateable subject which should lead to a discussion beyond that which should belong to the question before the House. At the same time, the public had a great interest in this question. It was notorious that the destruction of grain by game throughout the country was to an enormous amount beyond what was generally supposed, and which they were so unfortunate as to have no means of calculating. Now, the landowners had, for reasons which might be right in some persons' eyes and wrong in others, taken upon themselves the duty of providing food for the people of this country. Hon. Members knew his opinions upon that subject; but, without discussing whether the system they had pursued were right or wrong, it was a system upheld by that House, and in favour with the majority of landed proprietors in the country. Those proprietors had then taken upon themselves and constituted themselves purveyors in general to Her

Majesty's subjects in Great Britain and Ireland. Now, he thought that if there were a complaint on the part of a large portion of the population, that in some years they had insufficient food from the failure of harvests in this country, they had also a right to represent to the landed proprietors that they felt it a hardship that they were prevented from going to other countries to supply their food; that the landed proprietors maintained on their estates, in almost every county in the kingdom, large quantities of game, for no other purpose than amusement, by which a very considerable portion of the produce of the soil was destroyed, and the scarcity and shortness of the supply was very much increased and aggravated. It would be urged, also, if any hon. Member opposed his Motion, that his sympathy for the farmer was beside the question—that farmers made contracts with their landlords—and that they must stand the consequences of their bargain. He admitted that they did make contracts with their landlords; but there was no landed proprietor in that House who was not conscious of this fact—that there was at that moment, and had been for years past, a competition for land so fierce and merciless in its operation upon the tenant-farmers, that they could be scarcely said to make half their bargain; and if they did make a contract with the landlord, how did they know that the quantity of game would be kept preserved as it was when they took their farm? It might be a moderate quantity then; but the landed proprietor might perhaps sell a part of his property to some third party who had no connexion with the farmer, and he might preserve game until that which was an endurable mischief to begin with became a calamity ultimately ruinous to the tenant, and all his capital and attention might be unable to bring him a fair return for the undertaking in which he had engaged. Upon that point he felt he had strong grounds of appeal to hon. Members in that House. There had been a complaint since this Session began of distress amongst the farmers in some localities, and there had been deputations to the right hon. Baronet at the head of the Government to ask him to consider that distress. A Motion was at that moment on the books of that House for some proposition whereby the proposed reduction in taxation should not take place, in order that something else might be done which was thought likely to give greater relief to the tenant farmer. But he would ask the landed proprietors whether it was not possible to give to their tenants great—ay, munificent—relief, by giving up this most ruinous and absurd system, and allowing their tenants, when they took land, to be the sole owners of every living thing upon it, and the sole proprietors of everything their land should produce? He would tell hon. Members what he had heard from some farmers. Just before coming up from the country at the commencement of the Session, he met with a very respectable and intelligent farmer from Lincolnshire. [" Hear, hear," from Colonel Sibthorp, followed by laughter.] That was almost enough to prove the fact of his being an intelligent farmer, the statement that he came from that county. That gentleman was discussing with him a question on which he differed altogether, after which they touched upon the game question. I asked that farmer this question—" You believe that the repeal of the Corn Laws would be hurtful to the farmer; now, assuming, for the sake of argument, that you are right, and that you admit that game preserving is injurious to the farmer, do you believe that the abolition of the game laws would be a fair compensation for any injuries he might receive by the abolition of the Corn Laws?" His answer was—" That might make very little difference on the estate where my farm is, because there is very little game there; but, where game is preserved to any great extent, I do think the abolition of the game laws would be a full compensation for any evils that may result from the repeal of the Corn Laws and the establishment of free trade." I conversed with a farmer from Hampshire, in a free and friendly spirit—and I find of late that the farmers do view this question in a more rational light than before, and that they do not think men in this House who differ from them in opinion are hostile to their interests. This farmer told me that his fear of free trade was so great that he hardly durst give an opinion; but that, if he knew free trade to be inevitable, his fears would be greatly mitigated if he knew that game preserving was at the same time come to an end. I have found this opinion general among farmers; and, although it is not my duty here to dwell more on that point, yet I do recommend to hon. Members who are sincerely anxious to better the condition of the farmers, and to improve the agriculture of the country, to limit, at any rate, if they will not give up, the enjoyments of the chase, for the sake of that large, and most honourable, and most useful, and, in many cases, very suffering, class of peeople who are employed in the cultivation of the soil. I pass now to another class who have often enlisted the sympathies of hon. Gentlemen in this House—those who are holders of allotments; and if the noble Lord the Member for Dorsetshire and the hon. Member for Hertfordshire are in their places, I have no doubt I shall have their sympathy. I will first mention the case of W. E., of Midhurst, in Sussex, as I received it from an informant:—

> "W. E. told me, and on a subsequent day showed me, that his allotment was at best of little value to him. It was part of a small field situated with plantations full of game on three sides of it, and a heath, on which the game was also preserved, on the fourth side of it. Everything which he sowed or planted upon it was eaten up by the game, save his potatoes, and they were also destroyed, less or more. I myself counted sixty and odd rabbit holes, mostly made by young rabbits learning to excavate, as young rabbits do, among the potatoes. He had sown peas, expecting a few dinners of green ones with a bit of bacon in the summer; but he only had in all about a gallon, where he should have had at least a bushel. This was entirely the result of the game. He had tried, both last year and this, to get some turnips and greens for the winter: every blade went to the rabbits. All his neighbours were in the same predicament, less or more. This land was rented from Colonel Wyndham, of Petworth, and the game was his game and two other gentlemen's. In Midhurst we have about fifty allotments, and have frequently heard the tenants complain of damage done them by hares and rabbits, although not to any great extent; but in most cases they are afraid to say much, for fear of offending."

Another communication I have is from the county of Suffolk, from a respectable farmer in the neighbourhood of Clare. He says—

> "In one of the cases referred to in my last letter (Bruce's), the loss cannot be estimated at less than 20*s*. I include the damage done to his barley crop, as well as the wheat. This is more than his earnings for two weeks, and more than the rent of the whole of his land. The other case mentioned by me, but with no name, being a cottage tenant of the game preserver, is considerably worse: he had a worse crop, independently of which he sowed his land three times to insure a plant, the grain having been eaten by the pheasants after it was sown, and that which escaped eaten by the hares when it got above ground, and the few heads that came to maturity were cut off with a knife, not being enough to employ a sickle."

I would ask, then, in all seriousness, the attention of hon. Gentlemen to this portion of the question, as being important indeed. There are parties in this country who have judged harshly of me and others with whom I act, because we have not hurriedly and enthusiastically advocated the system of allotments. We are of opinion, as all men must be, that it is of very great consequence to the agricultural labourer to have a nice garden about his cottage. In a moral point of view it is worth half the police of the district. I think every owner of land should, if possible, give to every laboured on his estate as much land as will provide him amusement and employment, and provide his family with some articles of food. But imagine the case of a labourer who gets up by sunrise, two hours earlier than his usual time, in order to devote them, before he goes to work, to his garden. He works with gladness and hope. He returns from his daily toil, and again labours on his allotment, while during the day, perhaps, his wife and children have been performing there such services as are consistent with their skill and strength. But when what he has sown begins to appear above ground, it is devoured by the game of some large landed proprietor, who, standing on an eminence in the country, cannot see the extent of his estates, so boundless are they. I declare I do not envy the feelings of any man who is conscious that his game does this cruel and extensive mischief, blasting the hopes and damping the energies of the honest and industrious labourer, and yet is indifferent about the matter. But in speaking of labourers, there is another important consideration. All farmers agree, and I think all landowners who honestly speak out, will say so, too, that the preservation of game is most injurious to agriculture as a pursuit. I speak not with respect to farmers, but as to the cultivation of the land. A farmer came to me the other morning with the petition from Ruislip, in this county, which I have presented to the House this evening, and which is signed by every farmer in the parish, but one, ["Ratepayers?" from Mr. *F. H. Berkeley*,] every one occupiers in the parish. The farmer told me that though the parish contained 7,000 acres of land, not more than about 100 labourers are employed in agriculture; and that game is preserved to a great extent. He gave me an account of the expenses of that township for the prosecution of poachers, for three or four years back; and here let me observe, that in the Returns presented last Session to this House, no Return was made for Middlesex, as far as Petty Sessions are concerned. From this statement, and from the statements made by all parties, I am led to this conclusion, that where there is rigid game preserving there cannot be good farming, and if not good farming, there cannot be that reasonable amount of labour for the labourers which they had a right to expect, and which it was necessary they should have. If I were a landed proprietor, seeing labourers growing up around my property, there is nothing I would advance more than measures to give them greater employment and remuneration, so as to increase their physical comforts; for upon that foundation alone can be built up any moral education or religious improvement whatever. And when we bear in mind what took place in Suffolk last year, and in Wales some time ago, and what has periodically spread through almost all the counties in England, I think all owners of property, and all owners of common sense, should endeavour to discover whether this proposition, or what may come from this proposition, I am now submitting to the House, might not do something to obviate and remedy many of those evils they suffer from, and the country is almost sick of. Speaking again of the labourers' condition, I would ask the attention of the House to the executive part of the law, *i. e.*, to its administration. We were given to understand by the right hon. Secretary for the Home Department, at the end of last Session, that attention would be given to the hardships endured by persons coming under the operation of the game act, and that he was sending instructions through the land to magistrates that they might administer the law with a little more mercy. I have a few cases which must indeed be pretty well known. But where I bring one case, I could easily have brought a hundred for the elucidation of the subject, or for establishing the ground on which I plead for an inquiry into it. The *Leicester Mercury* of March 2, 1844, gives the following account of the proceedings at the Petty Sessions, hold Feb. 24th:—

"Magistrates, W. W. Abney, and R. G. Cresswell.—William Edwards, Thomas Edwards, jun., and John Fairbrother, all of Worthington, charged by W. Peters, gamekeeper to Earl Ferrers, with having used a net on Sunday, the 1st of October last, not having a game certificate. The parties absconded shortly after the offence, and were not taken till the 17th inst. They were each fined 5*l* and costs, and in default of immediate payment, sentenced to three months' hard labour. They were then charged with the Sunday offence, and fined 5*l*. and costs, and in default of payment three months' imprisonment. William and Thomas Edwards were then charged with trespass in search of game on the same day, and fined 40*s*., and in default of payment to two months' imprisonment and hard labour. William Edwards and John Fairbrother were then charged with an assault on Peters, fined 5*l*., and in default of payment two months' imprisonment."

In this case then, these three persons, one being a boy, for going out on a Sunday with a net or snare were thus severely dealt with. Surely it was not an overwhelming offence. One would have imagined that a magistrate would have looked at their condition in life, and the degree of their intelligence, and have pronounced a lenient and merciful sentence. But, no, the very worst and most stringent powers of the law were to be brought to bear upon them; and ten months' imprisonment and hard labour were inflicted upon these unfortunate persons, for this single offence of going out on a Sunday with a net in search of game. There is another case which is no doubt fresh in the recollection of the House. It is that of Lawrence Elborn, in the county of Nottingham, in September last. The report states that the watchers of the Rev. O. Chetwode saw him kneel to untie a snare. No snare was found though the man was immediately seized, therefore there was no proof that there was a snare there at all. The gamekeeper believed it was his first offence. The man had a family of four children, one of whom was an infant. He had had thirteen children. He had done only ten days' work during the past month, and was in great distress. His children had not a bit of bread to eat. Mr. Stone, the magistrate, (a most appropriate name, for it required a heart of stone to take the course he did,) said he was liable to three months' imprisonment, but as it was his first offence, he should give him only six weeks and hard labour; ordering him also to find sureties, himself in 10*l*., and two others of 5*l*. each, or be further imprisoned for six months. This took place at the Ashendon Petty Sessions on September 23, 1844. I presume this gentleman is still a magistrate; and I ask the House to reflect upon the circumstances of this case. Here is a man who does not get more than 6*s*. or 7*s*. a week, when in work, ordered to find bail to the amount of 10*l*. himself, and to find two sureties to the same amount. Is this an administration of the law consonant with the feelings of the public? Every newspaper had this account, and denounced the course pursued as one of the most flagrant instances of cruelty ever committed by any bench. But I fear there are many, aye, multitudes of such cases. What was the effect of it? Subscriptions were sent through the post-office to pay the fine inflicted on the poor man, and he was liberated. I hope some of his friends have taken him from that district where he suffered that grievous punishment, into some happier district, where offences against the game laws are not disposed of by a bench on which invariably sit men who are interested in the preservation of game. It is a principle of our law that a man shall be tried by his peers. An agricultural labourer is not very likely to be tried by a jury selected from his own body. But here is a case in which the man had no jury, not even of the middling class; but he was tried and condemned before men who have a deep and enthusiastic feeling in favour of the preservation of game. When the right hon. Gentleman, the Secretary of the Home Department, brought forward his Factory Regulation Bill, he introduced a Clause to limit the magisterial powers of millowners. I thought that was, considering what was doing under the game laws, rather an unusual course. But if a gentleman residing in Yorkshire or Lancashire is not competent to sit upon the magisterial bench because he is interested in factories, I ask with what propriety can game preservers, who are enthusiastically wedded to the system supported by the present game laws, be allowed to adjudicate summarily upon offences created by the laws. A man so convicted has no appeal. If he were asked to appeal to another court, where is the money to come from? He cannot, moreover, employ counsel to defend him, not being able to pay the expense. There is the unhappy culprit at the bar; there is the gamekeeper anxious to obtain the favour of his employer; and there is the game preserver, may be a clerical magistrate, sitting on the bench to decide the fate of the accused; and this is what is called law and justice in this country. I do not blame the magistrates altogether, because I suppose they must administer the law somewhat as they find it. But he must be a man of little feeling, and of small sympathy towards the poor around him, if he is not most anxious—aye, more than any one else—to co-operate with me, or with the House, or the Government, to arrange any better system by which his own sense of what is right may not be outraged by such cases as I have stated. In considering the amount of criminality which attaches to those who offend against the game laws, I think some allowance ought to be made with respect to the amount of temptation which is around them. We have it on authority that the temptation in some districts is more than flesh and blood can stand. The hon. Member for South Wilts (Mr. Benett) stated before the Lords' Committee in 1828,—

> "I believe the agricultural poacher is the most skilful, because he begins setting snares at a very early period; a boy at twelve years old sets snares with his father."

A Huntingdonshire farmer says—

> "It is usual for shepherd boys to leave their work about twilight, at which time they are obliged, unless they close their eyes, to observe hares running about in all directions—a temptation such boys cannot resist: and, from my own observations, I can state as a fact that the love of poaching has ruined more boys than all the public houses they have ever entered."

Thus the House must see (proceeded the hon. Member) that boys are inevitably brought up to poaching, and that they were taught to believe that they were committing no moral offence or any infraction of the law. But there was another authority he wished to quote, that of Mr. Williams, Inspector of Prisons, who, in his 9th Report had this passage:—

> "While upon the general subject of prison discipline I may remark, that however severe in physical restraints, or powerful in moral influence, it signally fails in producing any salutary impressions upon offenders convicted of infractions of the laws enacted for the preservation of game. These men, while undergoing imprisonment, appear possessed of the idea that these laws are more harshly and inflexibly administered than in other cases of a more serious character, and that the punishments awarded are unequal, disproportioned, and unjust. In support of their views they instance the double convictions and cumulative

penalties and imprisonments under various statutes for one offence, and the act against night poaching, under which offenders are adjudged to hard labour, while detained for want of sureties, contrasting the law in this respect with its different application to those committed for want of sureties in assaults and other cases where the penalty of hard labour does not attach."

The testimony of chaplains of prisons will be found to furnish abundant evidence that argument, admonition, entreaty, are all unavailing to induce in these offenders any admission of criminality, or a promise of relinquishing this pernicious pursuit. There can be no question that the tenacity of this feeling among poachers is in some degree to be traced to the support and encouragement it receives from the sympathy so notoriously prevailing among the middle and lower classes of society, and which was well described by a chaplain in the following terms:—

> "I have frequently tried, but quite in vain, to persuade prisoners convicted of poaching, that they offend God in breaking the laws of their country; they answer, the law is oppressive, and they have as much right to the game as others. The man's neighbours, too, second him in this feeling when discharged; they receive him as usual, saying, 'You have been in prison, it is true, but not for stealing or felony.' A man loses no caste by having committed an offence against the game laws, but when discharged, goes into the society of his fellow-men quite as usual."

This opinion was generally held many years ago. Stafford, the chief clerk at Bow-street police office was examined before the Committee appointed by the House in 1824, and was asked whether he thought that when a poacher took game he believed he was taking property belonging to another person; his answer was,—

> "No, I think a man takes a hare or a pheasant with a very different feeling from that with which he would take a pig or a fowl from a farm-yard."

Mr. Hunt, afterwards a Member of this House, being asked his opinion, said,—

> "That while there were large quantities of game collected together, which the poachers could not avoid seeing every day, it was too great a temptation to them; they had a strong impression that they were not killing the property of any one."

Mr. Benett, the Member for Wiltshire, was asked, "Whether any disgrace or shame attached to poaching in the opinion of the lower orders?" His answer was, "Not the slightest." "Or in the opinion of those a little higher; that is, of unqualified proprietors?" "Certainly not." "Nor of the occupiers?" "Nor of the occupiers." Some Gentlemen might suppose that this argued a great confusedness of mind upon the question of the rights of property; but it was not, after all, so clear that there was, or could be, any property in game. If otherwise, it was very odd that the House should at one time have forbidden the sale of it; there was no such unjust prohibition in the case of any property. But the Report of the Lords' Committee of 1828, threw some light on the question: they said, that inasmuch as the legal sale and purchase of game would necessarily invest that article in some degree with the character of property, it appeared just and reasonable that it should be protected from trespassers. Mr. Bradshaw, then a Member of the House, and living at Worsley, one of the strictest game-preservers in the kingdom, said before that Committee,—

> "I have a very strong opinion that, before you attempt to preserve game in that way, it should be made a species of property; you cannot, I am afraid, go the length of making it altogether private property, but I do not agree that a wild animal cannot be the property of any one."

There was a peculiarity about this property, if it were such; it could not be impounded, nor even identified, nor proved to belong to any one when it was seen. But if a man was apprehended driving a pig the chances were he would not be punished unless it could be identified; while if he had a hare or a rabbit, or even a piece of copper wire with a string to it, or was carrying a gun from a smith's shop across a private walk in a field, the law suspected him, and most likely he would be severely punished. The law did not regard the taking of game as stealing; when a man was brought up, the game was not identified or proved to be the property of any one; perhaps it was caught on the high road. Yet this man was subjected to a grievous punishment, so strictly had the law hedged round the game of this country. To show how little there was of opinion that it was wrong to kill game, he would mention the case of a man in the neighbourhood of Aldborough, in Suffolk, a notorious poacher, who carried on a very thriving, and, what might be called, in some respects, a very respectable trade, employing thirty or forty men, and having a game license; he poached chiefly on the estates of Lord Rendlesham and the Marquess of Hertford, and the men who were joined in a society for mutual protection, and a mutual assurance society, to fee counsel in case any of them were apprehended. There were notorious poachers in that county, who had by successive offences and imprisonments been driven out almost from the pale of society—a kind of savages, living in hovels, or wherever they could find shelter; and one was tried for an incendiary fire at the last Assizes, but, he believed, acquitted. Another case might be mentioned, to show how little people regarded this as an offence against the moral law. Some months ago he (Mr. Bright) saw in a Yorkshire newspaper a paragraph stating the death of an individual somewhat in these words—"Died, so-and-so, on such a day; he was a notorious poacher, but in every other respect a most upright and respectable man, and so great confidence was placed in his honour and integrity, that he has repeatedly been intrusted with his own commitment, and has proceeded with it to Wakefield House of Correction, and given himself up there, to submit to the punishment which the law inflicted upon him." It was not altogether without proof, that landed proprietors and game preservers, sometimes engaged poachers to act as gamekeepers. Now, suppose a shopman was found making free with the till, or abstracting some of his master's property, it was not likely he would be put in the position of cashier with a higher salary. But the game preserver would take a poacher, a clever fellow of fearless character, who knew the other poachers, and the ways of taking game, and make him a gamekeeper. He would not do that if he believed the offence of the poacher was a crime against the moral law. If game preservers really were right in making out game to be property, like fowls or sheep, they were used very hardly; for it was an understood principle that a man's property should be preserved, and watched, and guarded by a police paid by the community at large; and yet there had never been the man bold enough to propose a rate on all occupiers throughout the country, for the purpose of paying the expenses of gamekeepers. That seemed to show that the proposition that game was property did not rest on a very substantial basis. Last Session he moved for certain Returns, and others were moved for by another hon. Member. From these it appeared, that in 1843 the convictions at Assizes amounted to 152, for infractions of the game laws in England and Wales; at Sessions, to 4,377; total, 4,529. There were transported at the Assizes, 35; at the Quarter Sessions 5. Imprisoned at the Assizes, 112. The fines in these cases averaged more than 2*l.* each; and the imprisonment seven weeks each. Now, it was an easy matter for a Member of the House to throw down 2*l.* and walk off; many of them wasted as much many a time; but when a labourer had to work for his living, and happened to be caught in one of these infractions of the game laws, and was fined 2*l.*, or sentenced to seven weeks' imprisonment on the treadwheel, he would say that it was a punishment altogether monstrous, when compared with the offence; and that the infliction of such punishments must destroy, in the minds of the great mass of the poorest of the population, all reverence for the law, and all belief in the impartiality, the wisdom, and the mercy of the Legislature. But he had already stated that Middlesex had furnished no returns of the cases at the Sessions, and there were many others very incomplete. There was another point to be considered; cases of punishment under the Trespass Act had not come into that return at all, unless it was a trespass in pursuit of game; the case he had stated from Ashby-de-la-Zouch was entered but once in the return, though the individuals were punished for three or four different offences—using a net in pursuit of game, breaking the Sabbath, trespass upon the land, and assaulting the gamekeeper. He had no doubt from what he had heard from legal gentlemen in different parts of the country, that if the return had really contained a true report of all the punishments inflicted under the operation of these laws, it would present an amount of injury, of suffering, and of degradation, probably double that which the return offered to the House. But there was another return, perhaps more important still; it appeared that in ten years, from the end of 1833, to the end of 1843, there were no less than forty-two gamekeepers killed; some by accident, some in a manner which the ingenuity of the coroner and jury could not discover; but in twenty-five of these cases a direct verdict of wilful murder was returned. Last Session, a Factory Act was passed, in which was a Clause to provide against the recurrence of accidents, as much as possible, in connexion with the manufactures of the North of England; and a return was to be made by every mill-owner of accidents occurring from machinery—a very unnecessary thing he thought, and the only good of it would be to show that these accidents had been greatly exaggerated. But this return proved that more persons in a year were killed who took out licenses to kill game than by all the machinery and steam engines connected with the cotton trade of Lancashire. Of 30,000 persons employed in the cotton mills, one was killed in a year; as for the number that took out game licenses, the returns for 1837 gave somewhere between 40,000 and 50,000, and they might be taken at 60,000; of that number there were killed in ten years rather more than at the rate of one in thirty per annum. Thus did the destruction of human life exceed that in the factories, of which so much had been said; and those accidents were very different things from those deaths in hot blood. Take the case on Lord Derby's estate at Knowsley. A gamekeeper, a very worthy man it was said, met with a number of poachers; he fired, and one of them fired; the gamekeeper's shot did no damage; but he was killed by the shot of the poacher. It was one of the greatest consolations of that gamekeeper, as he lay the next day upon his death-bed, that his shot had not hurried any one into eternity. Five of those poachers were tried and convicted, one of them being hung, and the sentence of the other four commuted for transportation. He (Mr. Bright) had seen a letter from one of them, a man whose past life would have given some hope that he would never have come into those unhappy circumstances. He had heard of the condition of that man's aged parents. The wife and family of the gamekeeper were bereft of their protector, and those of the convicted men left to live with a stain upon their name. That case, more than any other, stimulated him (Mr. Bright) to bring this question before the House. It might be a weakness, but he confessed that his suffering of mind from reading the details of the trial, and imprisonment, and the execution of one of those poachers, was such as he would not undergo again for a very large consideration; and he could not understand how any man could set his amusements and enjoyments, although abstractedly innocent, in comparison with such great and grievous evils afflicting the country. But the year 1843 did not see the end of the system; 1844 had its roll of victims. The morning papers, through one or two of which he had looked, though they did not contain all the cases that occurred, furnished the details (since the Return) of nineteen serious encounters between gamekeepers and poachers, in which two gamekeepers were murdered, and in consequence of which two men had been hung, though under circumstances not at all satisfactory; for the moment before they were executed they protested, with a solemnity almost impossible to believe any man could feign in such an hour, that they had no part whatever in the death for which they suffered; but he did not doubt the evidence would be found such as justified the jury. These were terrible circumstances to arise out of the preservation of game for the mere amusement of a small portion of the people. In those nineteen affrays, thirty-one persons were grievously, and some of them desperately, wounded. There was a case near Salisbury about a month ago—five gamekeepers against five poachers—in which two gamekeepers were taken to the infirmary, one with both his arms broken, and two poachers were carried home, and believed not likely to recover. Within the same week, the same woods were again attacked by a large number of poachers; thus venturing immediately upon the same dangerous pursuit. There was the case of Lord Coventry's gamekeeper, at Croom, in Worcestershire—a murder for which eleven persons were now in custody. He (Mr. Bright) did not bring these cases forward as demonstrations that no man should keep game, and that there should be no laws about game; but to show the House and the country that there were circumstances arising out of the preservation of game which were most lamentable, and that he had a strong claim for a Committee of Inquiry. But there was another description of calamities arising out of the case. A man was lately in the Penitentiary hard by, sentenced to seven years' transportation for stealing rabbits in Staffordshire; and the distress of his mind, under the awful severity of such a punishment for an offence of comparatively so trifling a character, was so overwhelming, that in the Pentitentiary he put an end to his existence; the jury returning a verdict, as was so often done, of temporary insanity. Another case occurred at Watlington, in Oxfordshire, where a labourer, a lad of sixteen, was employed to shoot sparrows, and whilst doing so a pheasant came in his way, and he shot it. Was there a man in the House, who, at sixteen, would not have done the same? The gamekeeper heard the shot, charged him with the act, and threatened him with the consequences. This unfortunate youth, unable to bear the distresssing circumstances in which he found himself placed, in the very same field in which the offence was committed, hung himself to a tree, and thus escaped being brought before a tribunal which had such terrors for him in this world. They had the evidence of farmers without end, that gamekeepers were a spy on them, and that they thought it an insult to be dodged and watched over the very land which they rented. It was a system of terrorism which operated most injuriously upon the labouring classes throughout the agricultural districts. The system and the operation of the game laws then appeared to him to be one which the House was bound to look into. He could not suppose for a moment that there would be any opposition to the Motion, unless it came from the hon. Member for Gloustershire, who sat on the front form before him, and who had recently published a pamphlet on the system. They had heard of the Berkleyan theory some hundred years ago, which denied the existence of matter—which was, in fact, a system of immaterialism. This pamphlet, however, had nothing of immaterialism about it. "Hands off," "punches on the head," "blows before words"—there was something extremely material and substantial in all that it recommended. He should not attempt to answer the arguments in that pamphlet. He had heard many persons say that it contained both the bane and the antidote, that it answered itself most completely. In it there was a most startling discovery, that the British Constitution, lauded as it was, and that which was even of more value, namely, liberty of conscience, were connected in some way or other with a great head of game. He had sometimes said harsh things in that House and elsewhere of proprietors of land, but he had never said anything so harsh of them as had been said by some Gentlemen with regard to game preserving. They seemed to think that if there were not abundance of game, and sport, and battue shooting, gentlemen would not remain in the country on their own estates. He did not know how far the country would suffer from this; but he believed that there were many, very many, whose absence would be a great evil to the properties and localities with which they were connected. But he did not judge so harshly of the landed gentry as to suppose that they had no ties on their paternal estates, and at their mansions where their youth had been spent, except they were thus provided with the means of an enthusiastic pursuit of the chase, and with those pursuits which were connected with game preserving. His opinion was that there were other pursuits which it would become them better to follow, and which it would be a thousand times better for this country, provided they did follow them. There was not a finer position in the world than that of a Member of that or the other House of Parliament, possessed of public spirit, and blessed with large property. He went to his estate and had the means of doing untold good. Let him look after his tenantry, and after the proper cultivation of his lands; let him look after the labourers on his estate, and see that they had sufficient wages, proper and well-built cottages, good gardens, and that there were a sufficiency of schools for the children of the neighbourhood. And he would assure hon. Gentlemen that these things gave a pleasure as great, and infinitely better than the pleasures derived from the pursuit of game, because the pleasure of doing good never wore out; and if hon. Gentlemen would pursue this line of conduct, instead of devoting their whole attention to game preserving, they would far more act up to the principles of English gentlemen, and their presence on their estates would do far more good than anything which they could do connected with the protection of game. There was one mode of enjoying the sports of the chase, which appeared to him particularly objectionable, and from which had grown up this system of excessive protection of game. He alluded to the battue system. The right hon. Baronet opposite, he had no doubt, and many Members of that House, knew perfectly well what that was. He never saw any exhibition of it, and the whole of his knowledge relative to it was derived from the public papers; but he understood that gentlemen stood in part of a wood, and that a number of men surrounded them in a circle, and drove the game within range, and almost to the muzzles of their guns, and that the game had no chance of escape. He would not say anything in ridicule of that amusement, because it was not worth while. It was altogether so absurd that no man could raise his voice in favour of it. If any man would go into Leadenhall market to a basket of game with a net over it, and ask leave to put the muzzle of his gun into the basket, no doubt he would be enabled to kill a quantity of the game at such sport, and he would have just as much title to the character of a sportsman as a "battue" shooter. If there were one thing more unsuited for this age and this country, with its dense and struggling population, it seemed to him to be this great preservation of game, and this providing for the battue system of sporting. What were they doing now? Had not that House established in all parts of the country a highly educated, and in many cases a highly paid officer, for the purpose of attending to the moral and religious instruction of the people; and it was said they were particularly required for the poor. But whilst they were extending large schools for the purpose of raising the condition of the people, he believed that they were maintaining a system that counteracted, to a very great extent, in many districts all the good that they were attempting to do. They had great sympathy for the poor now; he believed really more than was ever felt at any former period; and many of the debates of that Session in that House were connected with the interests of the poorest of the people. One way or other the right hon. Gentleman the Member for Dorchester had had to bring forward several schemes relating to the benefit of the poor. The hon. Member for Hertford was about to bring in a Bill for the improvement of the labouring classes, connected with the allotment system; and not only in that House, but in the country generally, he believed that there was, amongst the middle and upper classes, now, an honest and sincere feeling and desire that the poorest of the people should be raised up from their poverty, and that there should be a greater dispensation of the comforts of life among all classes, even to the very lowest amongst them. He had not entered into the law of this question at all. He had not suggested anything as a remedy; he had merely laid before the House what he conceived to be a fair, and he was certain not an exaggerated picture of the game system in the country. He had said that he had cases which he would not bring forward because they would be met with the cry that they were not true; yet they had come from men of the first respectability, and would be proved before the Committee. His object was a real inquiry, and not a sham inquiry. He did not want every man on the Committee to hold his opinion, or the opinion of the hon. Member for Gloucestershire. He did not want men on the Committee who had no feeling on the question at all, and who would not take the trouble to go into a searching inquiry if the Government would grant the Committee; and he could not believe that they would refuse it after such a case as he had laid before them. He trusted it would be an honest, fair, and impartial Committee, and that it would go through this question thoroughly; beginning, middle, and end. Committees of that House had been appointed in former times who had skimmed over questions. He confessed that though he had no pleasure in the pursuits of the chase, yet he could easily understand the enthusiasm with which some men joined in them. He could believe that in many cases these pursuits could be innocent, and that they were conducive to healthy enjoyment. He had no hostility to the amusement; but he thought that these amusements, of the rich especially, ought to be so guarded and limited, that to them the rights and interests of the poor should not be sacrificed. He was speaking to a House of Commons, three-fourths of whose Members took out game-certificates, perhaps more. Many Gentlemen to whom he spoke were preservers of game. Many persons might think that, speaking to such an audience, he had no chance of success. He altogether repudiated any such idea. He believed there was amongst men who were sportsmen, and who really enjoyed enthusiastically the pleasures of the chase, a feeling that they, of all other men, would be willing to give fair play and justice even to the very humblest among them. He owned that opinion honestly. He thought that in following these pursuits they might do, and often did, great mischief; but he still thought that they would give a fair inquiry. He asked the House now not to judge the case as he had stated it, but on its own merits. He brought it before the House without using a single word, or a single expression of harshness towards any human being. He could state, with the utmost sincerity, that there was not in his own breast a particle of feeling of hostility towards any human being in connexion with this question; but he had seen the sufferings of thousands of the poor and defenceless—of those for whom the law should be a protector—those for whose especial good the Parliament and the Constitution had been instituted; and he had seen other cases where persons had had their lives sacrificed under this system. He had seen cases where persons had been led out to undergo the awful sentence of the law, whilst the public sympathy was decidedly in their favour; and under these circumstances he did think that the House would not be doing justice to those over whom they were called to govern, if they did in any way give encouragement to a system productive of so many grievous evils, not to one class, but to many classes; and not to one district, but to the whole kingdom. He begged leave to move—

"That a Select Committee be appointed to inquire into the operation of the Game Laws, and to report their observations and opinion thereon to the House."

Sir *J. Graham,* after apologizing for speaking inaudibly on account of indisposition, said, I must confess, that although the hon. Gentleman has addressed the House at very great length on the present occasion on a subject on which considerable excitement out of doors prevails, and on which the popular feeling is warmly with him, I have not any fault to find with either the tone or the temper of his speech; and I more particularly refer with pleasure to some of the closing remarks of the hon. Gentleman, because with those remarks I can cordially agree. In the first place, he has done justice to the gentlemen of England. I am satisfied that, although a large proportion of the Members of this House exercise, and are attached to the sports of the field, and are preservers of game on their properties, and delight in the amusements to which it leads, he estimates the feeling of this House rightly, when he says that upon a statement such as he has presented to the House to-night, there will be a general disposition, in the present circumstances of the case which we are now discussing, to enter on a full, fair, and dispassionate inquiry of the grievances to which he had drawn attention. And also I would observe, that it was with great satisfaction that I heard him point out the truth, that there is no higher or happier station in any country, certainly none in this, which affords a greater opportunity of doing good, than that of the resident country gentleman inspecting the labours of his tenantry, rewarding the meritorious, watching over the poor labourer, ministering to, and relieving his wants, and aiding education of the children of his poor neighbours; and I must say, and I say it with pride and a feeling of honour, though one of the class myself (however imperfectly I may have discharged its duties), that facts will prove that the great body of the gentry of the country do fulfil those important duties which the hon. Member has described. I must go on to say, that I do not believe that the enjoyment of the sports of the field, at least in moderation, is inconsistent with this praiseworthy conduct; on the contrary, it is very generally found in alliance with the character of a sportsman. But, Sir, I would also remark, that I think the hon. Gentleman has made out, especially towards the close of his speech, substantial grounds for instituting this inquiry. I am bound to admit that, in the course of the last two or three years, some lamentable circumstances which can be traced to the preservation of game have forced themselves in an unusual degree upon the attention of the Government. What the hon. Gentleman has said, is most true, that not being himself prepared to propose any legislative enactment on this subject, if Her Majesty's Government were prepared to offer any measure, he ought to view any such suggestion on their part as superseding the necessity of inquiry. I heard with pleasure the statement of the hon. Member that no legislation was desired by him, or could be satisfactory to him, which was not entirely consistent with the rights of property; and, moreover, he added another observation, that the inquiry he sought to obtain was an honest, a fair, and an impartial inquiry—one that should not be conducted by a Committee partially chosen, from men the majority of whom held extreme opinions on the subject; but that he was willing to go into this inquiry in a Committee fairly constituted, and that he would serve on on such a Committee, even though the majority might not be nominated by himself. I will, with the permission of the House, point out some reasons which appear to me conclusive why at this moment such an inquiry is politic. Since the year 1828 there has been no such inquiry. In 1828, an inquiry was instituted in the other House of Parliament on this question, and the Committee which sat on that occasion recommended a very decided change in the law; namely, that game should be made property, and be protected as property. The Administration of Lord Grey, soon after it came into power in 1831, did propose this great and extensive change in the law. A measure was brought forward with that view in this House by the present Lord Spencer, then representing the Government of Lord Grey; and in 1831 that most important alteration was made in the law. I have not before me the Returns of the number of crimes committed against the game laws at that period as contrasted with other crimes; but I have a distinct recollection that the attention of Lord Grey's Government was forced to this subject on account of the great increase of crime under the unchanged law at that time apparent, and which circumstance now is again attracting, in a painful degree, the attention of the country. The proposition made by Lord Althorp and adopted by Parliament effected a very extensive change in the law relating to game. It abolished all trace of the feudal distinction which rendered a landed qualification necessary to the right to kill game; and it enabled every person in this country, without distinction of rank or degree, to kill and sell game, on paying for and taking out a certificate, and it rendered game the property of the owners of the soil. Now, the effect of this in the case where the same individual is both owner and occupier of the soil, which is the simplest case, is to throw the whole cost of maintaining the game upon him. The case is not so simple where the landowner is not the occupier as well as the owner. There the right to kill the game is given to the occupier, provided he take out a license; and there is no case in which if the landlord lets land to a tenant without a specific stipulation to retain the right to kill the game, that he can claim it, unless there be that specific stipulation, the occupier has the right of destroying all the game on his farm, provided only he take out a license. The hon. Member has put the case of a small owner and occupier in the neighbourhood of a great preserve, not being the tenant of the landlord, who is the game preserver. That is exactly the case where the individual has the largest command over a quantity of game, without any cost to himself, if he will simply pay the license duty of three guineas to destroy game. He has an unlimited power to kill all the game maintained at the cost of others, and of selling it at the highest price, and of actually deriving a profit from the sale of it. But I admit that the change of the laws which converted game into property was a material and extensive change. The first effect of that alteration was certainly to open the right of sporting to individuals and to large classes of people, who, according to the law up to that time, had not enjoyed the privilege. Then as relates to the supply of large cities, it has led to an abundant and cheap supply of a great luxury to the richer classes, and for a long time it appeared to me to operate favourably, and not to be attended with any increase of crime. Fourteen years have now elapsed since that law came into operation, and I am bound to acknowledge that within the last two or three years, commitments, punishments, and crimes have multiplied; and I do think that the time has arrived when the operation of that law should be investigated. I also would remark that there was an observation which fell from the hon. Member at the close of his speech, and with which as a sportsman I entirely agree; I do think that the pride and vanity of battues have been pushed to an unreasonable extent. I do think—even if the result of this inquiry should not be to produce any alteration in the law—I can confidently anticipate from this inquiry a good moral effect, in pointing out to persons thoughtlessly misled into errors on this subject, the great practical evils resulting from those errors; and if they are fairly stated and brought to their consideration, this notoriety, without any alteration in the law, will lead to a practical remedy. After all, the grievances which the hon. Gentleman stated as arising out of the game laws principally resolve themselves into the great extent to which hares and rabbits are preserved; the principal complaints, as it appeared from the hon. Gentleman's statement, arise with reference to tenants, in whose neighbourhood preserves and great battues have multiplied of late. I am bound to say I consider this complaint in many instances well founded. I shall not say anything in the least offensive to the hon. Gentleman on this occasion; he has treated the subject in a manner which does him credit; there was not a hostile tone, I think, in the whole of what he said; but I must add that there is considerable exaggeration in the public mind on the subject, and on that account I anticipate that an investigation into the facts of the case will have a salutary effect. Indeed I should desire nothing better than an investigation of some of the facts stated by the hon Gentleman. I should like to see various statements made this evening by the hon. Gentleman brought to the test of a vigorous cross-examination; I should like to see that witness who would prove that on seventy-eight acres of land, the farmer has lost for a series of years 50*l.* a-year by the game preserved on the estate; I should still more like to see the gentleman who is to come forward and say that on eighty-five acres he has lost, in one year, 80*l.* from the same cause; I should like also to see proof, by witnesses, that eighty-three hares consume as much as twenty-three sheep. I confess I should like to see evidence adduced on those points; but above all, I should like to have opposite to me the witness from Yorkshire, who, from time to time, walked to Wakefield House of Correction—a Yorkshireman mark you—with his commitment in his hand, in order to take his term of punishment there. [Mr. *Bright:* He is dead now.] Then, of course, he is out of court; and he cannot tell his tale; but still there remains the startling statement to be proved, that eighty-three hares consume as much of the produce of a farm as twenty-three sheep; and, on the whole, if the hon. Gentleman will undertake to prove these facts which he has stated, I think that all sides of the House will concur with me in anticipating that this will be a most amusing investigation; and I am sure that, in perfect good humour, all of us will join in deciding an investigation into these matters. But, Sir, I also demur to another of the propositions of the hon. Gentleman. He said he could show that the preservation of game was incompatible with the good cultivation of the soil. The hon. Gentleman said he was not a sportsman, and not a farmer, and therefore I am very ready to believe that it was not of his own knowledge that the hon. Gentleman made so bold an assertion; but I think he has been misled as to this part of the subject. I see the hon. Member for Norfolk in his place: I have had the pleasure of visiting and shooting in Norfolk, and I say that the county of Norfolk will produce evidence, in almost every part of it, that the hon. Member for Durham is not correct in this statement, but that the highest state of cultivation is completely consistent with the strictest preservation of game; and I apprehend the hon. Member for Norfolk will bear me out in this assertion. There is only one other topic on which I wish to say a word. The hon. Member complained of the cumulative penalties leviable under the game laws; and the hon. Member referred to particular cases, which I do not propose at present to go into; but I am bound to say that certain cases of this description have been specially brought under my notice, and my knowledge of those cases has led to the regulation which is at present in force in the office which I have the honour to hold. I have thought it my duty to direct that from every gaol the commitments under the game laws shall be sent up to the Home Office, as soon as they are received, in order that, in all cases, the legality of those commitments might be reviewed. In some cases I found errors in the commitments; but, in every such case I have had the pleasure of communicating with the committing magistrate, and there is not a single case in which those errors occurred that I have not, with the full concurrence of the committing magistrate, advised Her Majesty to remit the punishment. And I may say nearly the same with respect to some cases of cumulative penalties which I thought pressed too severely on the offenders. I communicated with the magistrate concerned, and in almost all cases, with the full concurrence of the magistrate, I have remitted the punishment. The hon. Gentleman has misrepresented somewhat the state of the law with respect to adjudications under the game laws. He said that game preservers constantly sat on the Bench to try questions arising under the game laws, and he proceeded to state that by a measure of last Session, the millowners were obliged to observe a very different rule, for that under that Act no millowner could sit to decide on a case arising in any mill, though not his own. Now in this the hon. Member is mistaken. The words of the Act are—

> "That no complaint referring to any such offence against this Act shall be heard by a justice of the peace or by a borough magistrate, being the occupier, or by a father, son, or brother of the occupier, of the factory in which such offence shall have been committed."

There was no general prohibition, therefore, of millowners acting as magistrates in such cases, as the hon. Member had represented, but only of those who had a direct interest, and the near relatives of those who had a direct interest, in the factory where the offence against the act was committed. But I am bound to say, that if a case came to my knowledge, that under the game laws any magistrate had acted on the bench in a case of his own, I should not hesitate to express in the strongest manner the displeasure of Her Majesty, on account of such abuse of the Commission of the Peace. I can assure the hon. Gentleman that I have great pleasure in answering parts of his speech in a manner not dissonant, I hope, from that in which he addressed the House. I shall also have pleasure in supporting his Motion for a Committee, and, as far as I can, I will engage that he shall have, as he stated he wished to have, a full, impartial, and searching inquiry. Now the composition of a Committee of this kind is of great importance, with a view to ensuring the impartial investigation which is desired; and I think, that if the hon. Member will postpone the appointment of the Members of the Committee until Monday, and if, as is usual, the matter can be settled by communications out of the House, a satisfactory arrangement might easily be made. I hope that the inquiry will be perfectly full and dispassionate; and if no change in the law should result from the appointment of this Committee (of which I will not despair) I am convinced that it is possible that great moral good may result from their labours; and if such an effect should be realized, I may say, on behalf of my colleagues, that they will greatly rejoice, and that every facility and assistance in the conduct of this inquiry shall be afforded by the Government.

Mr. *Vernon Smith* wished to address a few words to the House before the Motion was agreed to. He must confess that he regretted the course taken by the right hon. Baronet who had just sat down, for he did think it would be much more expedient if Her Majesty's Government, seeing the great importance of the question, and —as the right hon. Baronet had admitted in the course of his speech—the growing feeling of disrespect for the game laws, which was extending throughout the country, had imitated the course pursued by Lord Grey's Government, and had brought in a Bill embodying their views on the matter, instead of leaving it to a Committee of the House of Commons to enter upon unnecessary inquiries. What would be the result of these inquiries? Neither the right hon. Baronet nor the hon. Gentleman who had brought forward the Motion had stated to the House how they proposed the inquiry should proceed, or to what objects it should be directed. The hon. Gentleman (Mr. Bright) had stated, with great ability, the evil results of the present system. The right hon. Baronet, who next addressed the House, did not attempt to contradict the description which the hon. Gentleman had given of those evils, and yet he virtually consented, by agreeing to the appointment of a Committee, to allow all those evils to continue unabated for at least another season, since it was utterly impossible that the Committee could arrive at any conclusion in sufficient time to enable Parliament to legislate on the question in the present Session. What then was to be the result of the labours of the Committee? Were they merely to inquire whether the complaints which the right hon. Baronet had described as so amusing were exaggerated or not, or whether the battue system of sporting should be encouraged or discountenanced? A noble Duke had recently written a pamphlet on the subject, in which he proposed an assessment on game for its preservation; but when he came to consider how that assessment was to be made, he very properly and very naturally shrunk from the attempt. Were the Committee to direct their inquiries to that point, or did the right hon. Baronet mean that they should go into an inquiry into the nature of the tenant's tenure in every case, and the agreements by which game was to be preserved? If that were done, then he could tell the House that nothing could be more endless, and he would add, more improper in its nature, than the inquiry must prove to be. He thought the Committee, if appointed, ought to have their labours limited to an inquiry into the remedies by which the evils admitted to exist under the present system could be removed. There were not two Gentlemen in the House who would not admit the existence of those evils. The right hon. Baronet had stated that he was not furnished with statistics of the increase of game, but he could furnish him with some statistics of the increase of crime under the game laws, from the speech of the Duke of Richmond, in moving the commitment of the Bill of 1831, in the House of Lords. The noble Duke, in speaking of the old laws said,—

> "The system was also attended with this baneful consequence—it increased and heightened the feuds between the higher, the middle, and the lower classes. By the 22nd and 23rd of Charles II., a penalty of 5*l*., or imprisonment for three months, was inflicted on any unqualified person for shooting at a

hare or partridge. When an unfortunate labourer committed this offence, what was the consequence? He could not pay the fine; he was incarcerated, and his wife and children were cast upon the parish. What must be the feelings of that man, when he saw a neighbouring gentleman allow his younger sons and his friends to do that, they having no right to do it, for which he was punished? He might be told that a poacher was a very worthless and bad character. He did not stand up there to defend poachers, but to deprecate the law which impelled individuals to become poachers. The labourer knew that, legally, he could not kill game, though it fed on his property; but he knew, also, that thousands in this capital would have game at their tables, and he felt that, by some means or other, the market must be supplied. The result was, that he became a poacher, and thus the laws gave to the poacher the monopoly of selling game. The labourer could not stand the temptation; it was too much for him. He violated the law, and after the first fatal step, he was too often hurried on, in his career of guilt and crime, till he finished a life of infamy on the scaffold, the victim of strong temptation. Would their Lordships believe, that in three years, from 1827 to 1830, 8,502 persons were, according to a document laid before the House of Commons, convicted of offences against the game laws in England and Wales, many of those individuals being under eighteen years of age?"

Such was the state of the law, and the amount of offences against it, prior to 1831; but it had been stated by the hon. Member for Durham that no less than 4,500 convictions for offences against the laws took place within the last year alone. Therefore they had the fact before them, that the convictions under the existing game laws, compared with the convictions under the game laws repealed in 1831, showed an increase of nearly two to one; and, with that fact ascertained, what advantage was to be derived from inquiries into details which they had already before them? He believed every Gentleman in the House would also admit the great increase in latter years in the quantity of game, to which the hon. Member for Durham had referred, and on that point, likewise, he did not think any inquiry was necessary. It would, he thought, be impossible for them to compel men to give up the preservation of game; but he considered they were bound to take from these game preservers any support which they derived from legislative enactments, which drew a distinction between game and other property. He might probably be told by persons acquainted with the subject that there was very little difference between trespassers in pursuit of game, and trespassers for other purposes; but in the latter the punishment was under the Malicious Trespass Act to the amount of injury done, with a certain penalty beyond it; while, in the case of the trespasser in pursuit of game, the Chancellor of the Exchequer stepped in, and demanded a fiscal penalty. The offender was called upon for 2*l.* additional fine for not having a game certificate; and under the Assessed Taxes Act, it was probable that he would be fined a sum amounting to no less than 20*l.*, and all the charges might amount to an aggregate penalty of 27*l.* He thought that an extreme hardship against such persons, and that the penalty against them ought not to be more severe than against any other trespassers. Under the old system game were regarded as *feræ naturæ;* but at the present day, when they were fattened in many cases as carefully as if they were fed in a coop, it would be absurd to apply such a term to them. And yet it was impossible to apply to game any of the three conditions which constituted property, namely, confinement, identification, and reclaiming; and, therefore, they could not hope to impress upon the minds of a large class of men any feeling of respect for game as private property in the ordinary signification of the term. He agreed with the hon. Member for Durham as to the absence of any moral feeling in the bulk of the community against the destruction of game. It was an offence not forbidden by any moralist who had ever written. It was, in fact, merely a statuable offence; and, under such circumstances, he would ask the House, with the hon. Member for Durham, were they to establish a penal code merely for their own amusement? He repeated that he could see no reason why offences against game should not be placed on the same footing as all other offences by trespassers. If a person broke down a fence, or stole a twig, the magistrates might fine him the amount of the property damaged or taken, and also impose a punishment, under the Malicious Trespass Act, for the crime; and he thought the same course should be adopted with regard to game trespassers. He agreed with the right hon. Baronet that the late Act was indeed a change from the feudal system, and an attempt to make game be regarded more in the light of property than before. It was, therefore, calculated to do good as far as it went; but it promoted many of the evils of which they now complained. It made the game laws more agreeable to the middle classes, but more odious than they had hitherto been to the poorer classes of society. It had been said that by adopting any measure which would diminish the number of game preservers, they would throw a great mass of unemployed persons on the labour market who were now engaged in the preservation of game, and that, therefore, some evil as well as some good would follow from a repeal of the existing laws; but he thought that was, after all, but a minor consideration in comparison with the great deterioration of morals to which the present game laws gave rise. No one could overrate that evil. In fact, the offences against the game laws appeared to him to be the beginning of nearly all the crime in the country. It was on these grounds that he would have wished the right hon. Baronet to introduce a measure for the repeal of the existing law, as had been done by the Government of Lord Grey, without the intervention of a Committee. [Sir *J. Graham* was a party to the introduction of that former measure, and could not treat it with so little ceremony.] The right hon. Baronet might have concurred in the measure ten years ago, and have seen reason to change his opinion respecting it since then; and, in fact, he was now consenting to the appointment of a Committee to inquire into the very law which he then sanctioned. No man could venture to say that they might safely remove all laws relating to game, and introduce a system allowing any man to shoot day or night on every man's property; but some intermediate course might easily be adopted. He concurred with the hon. Member for Durham in commiserating with minor offenders in the punishments which were inflicted on them under the game laws, though he certainly could not say he felt great sympathy with those who suffered for murders which they had committed in the manner described by the hon. Gentleman. The hon. Gentleman concluded by again expressing his regret that the Government had not taken a different course with regard to the matter then before the House, as the appointment of the Committee must be followed by a postponement of any remedial measure for another year.

Mr. *Darby* thought the right hon. Gentleman opposite (Mr. V. Smith) had involved himself in inextricable confusion and difficulty in discussing this question. The right hon. Gentleman had objected to cumulative penalties, and had pointed out the difficulties attending the Trespass Act; but was he prepared to abolish game certificates, and to allow every person to carry a gun, and shoot over his land, the only remedy being a penalty for trespass? He considered that the right hon. Gentleman had involved himself in the utmost confusion; and he certainly thought that the hon. Member for Durham had evinced great prudence when he stated that he was not prepared to suggest any measure on this subject. He must confess that he thought no one could object to the tone by which the speech of the hon. Member for Durham (Mr. Bright) was characterized; and he could only express his hope that the hon. Gentleman would, on all future occasions, adopt a similar tone. If the hon. Member did that, he would not find that hon. Gentlemen connected with agricultural districts were unwilling to co-operate with him in promoting measures advantageous to the interests of the country. He must say—as had been stated by the right hon. Baronet (Sir J. Graham)—that some of the cases referred to by the hon. Member for Durham were a little exaggerated. The greater part of the hon. Gentleman's speech dealt with this question as between landlord and tenant; and he had stated that he was not prepared to recommend the House to interfere with private rights and property. Unquestionably the effect of these laws with regard to the good conduct and morality of the poor was a question well deserving the Committee's consideration; but if the hon. Gentleman believed that by abolishing the game laws he would remove all temptations to crime in the agricultural districts, and make everybody virtuous, he was utterly mistaken. He saw a great deal of the poor in the agricultural districts, and the great mass of them, as far as he had seen, were most grateful for any efforts to promote their comforts and welfare; but there were among them some who were disinclined to work. They sometimes heard of men who had families being apprehended for poaching, and expressing their willingness to work if they could obtain employment; but he believed that in most cases these representations would be found on investigation to be entirely unfounded. He considered that the right hon. Baronet had pursued the proper course in granting this Committee, if it was to be a fair Committee, and especially if it was to investigate the most important part of the question—the moral effect of the game laws. He must say that the speech of the right hon. Member for Northampton (Mr. V. Smith) was one of the most extraordinary he had ever heard in that House; for, though the right hon. Gentleman urged that Government ought to have introduced a specific measure on this subject, he had shown the great and numerous difficulties attending such a course. He thought, therefore, that the difficulties and perplexities which encompassed the question fully justified the right hon. Baronet in declining to bring forward a Bill.

Mr. *Francis Henry Fitzhardinge Berkeley* said, he was very unwilling that the debate should terminate without at least one Member of that House expressing his dissent from the positions which the hon. Member for Durham had assumed. It was not his intention to oppose the appointment of the Committee which the right hon. Baronet was prepared to concede; but he could not for one moment allow that the reasons which the hon. Member for Durham had stated for its appointment were valid and sufficient. Indeed, he thought the hon. Member for Durham owed the concession of this Committee to the peculiar course which he had adopted that night, so very unlike the course which had been adopted throughout the country by those persons, whether orators or writers for the press, who had advocated so strenuously the abolition of the game laws. He must say that the agitation which had been carried on in reference to that question, ever since the hon. Member for Durham gave notice of his Motion—an agitation with which the hon. Gentleman was connected, and in which he had taken part—was one, the character of which was anything but creditable. It was an agitation which, in his own opinion, was very well calculated not to forward the cause, but to make people look upon the course the hon. Member was pursuing with suspicion. He agreed on many points with the hon. Member for Durham. There was no person in that House who desired an abolition of the Corn Laws more than he (Mr. Berkeley) did. He was perfectly contented to be called anything which hon. Gentlemen pleased—a Radical, a Reformer, or if the right hon. Gentlemen opposite preferred the term, a Whig-radical—and to oppose them as such; but he never would assume personalities towards those Gentlemen who were opposed to him, and he trusted that he would always be found to give them credit for proper motives when he happened to differ from them in opinion. Now, if he followed the agitation touching these game laws throughout the country, what did he find? From east to west, and from north to south, he found the landocracy held up as a set of tyrants. He found the hon. Gentleman setting himself forth as the farmer's friend, and in that character striving apparently to set the tenant-farmers and their landlords at variance. Now he did maintain that such a course of agitation was well calculated to prejudice the hon. Member's course; and he was very glad that on introducing the subject into that House he had adopted a different mode of proceeding. He had reaped the benefit of a course which he had now pursued by the Government conceding to him the Committee, for he verily believed that for that concession he was indebted to the moderation of the tone which he had assumed. But still he, for one, could not permit the opportunity to pass without expressing his dissent from the opinion that the game laws were in fault as regarded the crimes and offences which had taken place under them. They might just as well contend that any other statute besides the game laws was to blame for an excess of crime. Take, for instance, offences against the revenue laws. There was a great similarity in the character and pursuit of the smuggler and the poacher. There was something adventurous in the life of both, which had, no doubt, great charms for the wild and the dissolute, nor did such offenders lose caste with their particular class. But did the hon. Member know that at one time more murders were committed under the revenue laws, than were ever committed under the game laws? The hon. Member could not be ignorant of the fact that more violence was perpetrated, more murders were committed, under the former than under the latter. But did the Government, on discovering the extent of crime which prevailed under the revenue laws, immediately assume what the hon. Gentleman had assumed in the case of the game laws, that the laws should be abolished on account of the crimes which had been committed? No; instead of abolishing the laws, the Government took the opposite course. They strengthened the executive power; they put on a blockade force; they adopted every means to check smuggling; and the consequence was that they did put down the evil. But the hon. Gentleman, and those who agreed with him out of that House, contended that the instant crime took place under a statute that statute should be abolished. Why, it was not the game laws alone which were disagreeable to a certain class of the community. There were other laws which were equally distasteful to one class of persons frequently referred to in the newspapers—the light fingered gentry. There were certain laws which were extremely disagreeable to that portion of society. But was he to be told that because an excess of crime aro e under particular laws they were therefore to be abolished? Why, if they were to follow the hon. Gentleman's principle of legislation, the result would be this: If any body of men found particular laws disagreeable they would only have to offend against them, and to commit murders in doing so, in order to secure their abolition. Such a principle of legislation was of the most imbecile order. He could imagine nothing more monstrous and ridiculous. It was actually the principle of old Dogberry, the constable. If they took Dogberry's language, word for word, they would find the opinions of those who advocated the abolition of the game laws precisely similar to those of the weak old constable. If the House would allow him, he would point out the resemblance. Dogberry tells the watch (continued the hon. Gentleman), "that they shall visit all the ale-houses, and bid them that are drunk get them to bed." "How, if they will not?" ask the watch. "Why then let them alone until they are sober;" is his reply. The watch inquire, "If we know a man to be a thief, shall we not lay hands upon him?" "The most peaceable way for you," says the sagacious Dogberry, "if you do take a thief is, to let him show himself what he is, and steal out of your company." Exactly the non-interference principle of the hon. Member for Durham; with just this difference, Dogberry lets the thief go, the hon. Member for Durham would abolish the statute which detains him. The principle was the same; it was the principle of abolishing all statutes against which offences were committed. Such a principle appeared to him, he repeated, to be absolutely monstrous, and he trusted that the House would not assent to it. Now, as the Committee was to be appointed, he did trust that it would be a fair one. He should like very much to hear to what point their labours were to be directed; for upon that subject he confessed that he was at present entirely in the dark. If they were to follow the course of the agitation, he must pronounce the inquiry to be absolutely absurd. The hon. Member confessed that he was perfectly ignorant of farming, that he knew nothing of sporting. He had shown a great want of knowledge of ornithology and natural history. Hon. Members who came to that House impressed with the idea of the destructiveness of game, were utterly ignorant of the subject; and persons should know more about it before they took part in the discussion. He would appeal more especially to those hon. Members who were agriculturists, and who were not ashamed, also to be called sportsmen; for really, if he might judge from the accounts which he had read of this agitation, to be either an agriculturist or a sportsman was to be one of a denounced class. He would ask whether it would not appear from those accounts as though the pheasants, the partridges, and game in general, had not a moment to themselves from year to year, but were constantly employed in devouring grain? Now, did the hon. Member for Durham know that for six months in the year, pheasants and partridges could hardly be called granivorous? From the time when the power of the sun brings the insect world into life, from that moment the quantity of grain destroyed by pheasants and partridges was actually as nothing. He could tell the hon. Gentleman that he had seen pheasants on their nests tempted with grain, and actually turning away from it. He appealed to any hon. Gentleman whether he ever saw a pheasant go near a stack of barley, beans, or any other grain placed for its use, after the month of April? The fact was, that they fed on insects and grubs; and they were particularly destructive to that injurious insect the wire worm. It could not be pretended that they eat the corn in the month of May. The injury which they committed must take place when the grain was ripe. But whoever heard of a pheasant seizing upon ears of corn before the corn had been cut? The pheasant, as many hon. Members whom he addressed well knew, if he might use the expression, was a gleaner and not a reaper. To judge, however, from the writings and speeches of those who agitated this question, and especially from those of the Anti-Corn Law League, it would appear as if the pheasants were continually eating wheat and barley. The most extraordinary statements were made, and the most extraordinary abuse was lavished on the proprietors. Pheasants' crops were dissected, and the grains of corn enumerated which they contained, without any consideration from whence and how they were obtained. Lord Normanton was visited with abuse for purchasing Mr. Henry Baring's property and preserving game, and Mr. Henry Baring was depicted as a kind of Robinson Crusoe, going about destroying game with four guns on his shoulder. With respect to the petition from Ruislip, presented that evening, he had no hesitation in saying, that the meeting at which that petition was agreed to was a most disreputable meeting. He would tell the hon. Gentleman, that his friend Jenkins—the gentleman who was found speaking at that meeting, went to the beer houses on Saturday night, and treated the labourers, to get signatures to the petition. That he would prove; and he would prove likewise, that the petition was got up merely on account of a feud between two farmers, and, in point of fact, there was not game enough in the neighbourhood to injure any farmers whatever. But now, he would ask, what were the Committee to do with reference to this matter? Was the House to legislate so that game should be entirely extirpated in this country? Should they favour the intrusion of an armed rabble on landed estates? Should they deny to a man the right to possess the beast and the bird which he bred and fed? Something had been said about the impossibility or impropriety of making birds and beasts private property, because they had locomotive powers, and could not be identified. Why who could swear to a trout or pike: and would they hand over the Duke of Richmond's salmon to every one who pleased to catch them, because they could not be sworn to or identified! Who can swear to a dovecot pigeon? and yet he had seen 700 pigeons follow at the tail of a plough, and eat the good seed as fast as it was thrown down. But how was the farmer protected against these depredators? Although these pigeons might destroy seed as fast as it was sown, and though it was impossible to identify them, a heavy penalty—a heavy penalty of half-a-guinea for each bird—was incurred by any person who killed them. The pigeon is to be protected, yet it will fly five miles to rob a farmer, while you deny protection to the partridge, on the ground of its wandering habits. You must protect both or neither, to be consistent. But how was it that the hon. Gentlemen (Mr. Bright) and his friends, who so frequently quoted the golden maxims of republican nations, had not referred to the game laws of any other country? Where was their pattern republic, their El Dorado—their Utopia—America? Why had not the hon. Gentleman referred them to that country? Because in America the game laws were infinitely more stringent and severe than they were in England. He held in his hand the game laws of New York, New Jersey, inclusive of Duchess County, Queen's County; King's County, and Suffolk County, he had selected States in which the negro and the white man were upon equal terms. Now, there a law existed protecting the birds and beasts during the breeding season; and though they might be considered as *feræ naturæ* in some States, yet he would show that they were treated strictly as private property in others. The penalty for shooting a deer out of season was twenty-five dollars; and the law went on from a deer through a number of other animals, down to the miserable musk-rat, for shooting which the penalty was one dollar. What would the House think if an hon. Member were to get up and propose a penalty of 5*s*. for killing a hedgehog? The magistrates of America, under this law, could act on an information, and if it was merely suspected that a green deer's skin was concealed in a man's house, they could issue a search warrant, to enter that house and make a search, and if a green deer's skin was found, the person was liable to a penalty of twenty-five dollars. For birds, also, the same kind of penalties existed; for killing grouse, or as they were called in some of the Acts heath-hens, for pheasants, for partridges, and quail; when he said pheasants he ought to explain that though this was the word he found in the Acts, the bird itself, he believed, was really the pine partridge. The penalties were extended even to the migratory woodcock. Now let them turn to the laws of the State of New Jersey. That State more resembled England than almost any other State of the Union; it was very populous and fertile, and it was adjacent to the great cities of New York and Philadelphia. The first game law of this State to which he should call their attention, although there might be others passed before it, was of the date of 1771, when New Jersey was a British Colony. That law prohibited any person from carrying a gun over another man's property without leave, under a penalty of 40*s.* and costs. There was the same penalty for setting snares for deer, iron spears, or pointed sticks, or for hunting with bloodhounds or beagles. If any stranger in the Colony should shoot over another man's land, without leave, he was liable to a penalty of 5*l.* and the forfeiture of the gun. Now, it might be said, that this law was passed in 1771. But when these republicans shook off the yoke of Great Britain, did they shake off the game laws? By no means. At that time they were not in a humour to find much to admire in British institutions; yet they found no fault with the game laws. In 1820 they increased their stringency; in 1837, they enacted a supplement to these laws, and in 1838, a second supplement. But there was one section of the law he ought to mention, which prohibited hunting even over the waste lands of the State. It enacted that all persons, except freeholders, or the sons of freeholders, above eighteen years of age, should be prohibited from hunting on the waste and unimproved lands of the State, under a penalty of 20*s.* for each offence. Now, at some future time the hon. Member for Durham would no doubt visit the city of Philadelphia, in which he would find many respectable men of his own peculiar class. He could say that for no class had he (Mr. Henry Berkeley) more respect. He numbered many friends among the Society of Friends, and he could say that that class was a most respectable, kind, and hospitable one. He had no doubt that the hon. Member for Durham would be made very welcome in the city of Philadelphia. There he would find the savoury venison well protected by law, pheasants, quails, partridges, and birds of all descriptions, with which the hon. Gentleman might amuse himself. But let the hon. Gentleman beware how he carried that natural instinct which he said all men possessed, to kill game whenever they saw it; let him beware how he indulged his propensity for poaching in the adjoining State of New Jersey, because he would find it rather more expensive than in England. And let him give the hon. Member a word of advice; if he carried out with him one of Manton's or Purdy's guns, he might find the penalty, with the forfeiture of the gun, amount to 60*l.* or 70*l.* He had to thank the House for the patience with which they had heard him. He could only say, in conclusion, that he trusted that this Committee, be what it might, would prove successful. He would not oppose it; but what on earth its attention was to be directed to he could not conceive.

Captain *Rous* said, there could be but one feeling in the House as to the moderate and statesmanlike speech which the hon. Member for Durham had made on this subject. At the same time, he was satisfied that many of his statements were exaggerated, for he had lived long enough in a sporting country to know that great exaggerations prevailed on this subject. He held in his hand a pamphlet published against the game laws which had already gone through three editions. It contained some statements connected with the estate of a noble relative of his own; and among other things, it was said, that one of the keepers had last year been destroyed by poachers. All he would say in answer to this was, that during the last three hundred years no gamekeeper had been hurt or murdered on that estate. Again, it was stated, that within a short time two keepers had shot themselves, from the fear that on the arrival of his noble relative at home they would be found fault with for want of game. This pamphlet had now been published for three months; and he hoped the House would excuse him if he were to defend the cause of his own brother. One of the keepers referred to, had been head keeper on the estate for thirty-three years; he had latterly fallen into a bad state of health, and wished to give up his place, but was prevailed upon to remain. Soon after he lost a child by death, and the sorrow so preyed upon him, that in a fit of despondency, he shot himself. It appeared that on the following day, another person who was head keeper of the greyhounds, had accompanied his wife to church: and on coming home, while his children were playing at the door, he took down his gun, went into the garden, and whether voluntary or by accident, no one could tell, he shot himself also. All he could say was this, that if his brother or he had come a week sooner, they would have cheered up these men, and he firmly believed these melancholy occurrences would not have happened. The whole question of the game laws resolved itself into this, —If a gentleman with an estate of 4,000*l.* a year, wished to preserve game for the amusement of himself and his friends, it was absolutely necessary that he should deduct so much from the value of his rent roll. He knew many cases where game was preserved, which was let at 20 per cent. less than land where game was not preserved. That was the plain fact. The hon. Member for Durham contended that the preservation of game affected the morals of the labouring classes. But the very same argument would apply to shopkeepers exposing their goods. There was a tendency in a labouring man to steal a pheasant; but there was the same tendency in a starving man to steal goods wherever they were exposed. There was as much immorality in the one case as in the other. But the reason why a labouring man stole a pheasant rather than ducks or other fowls was, that the proprietor could swear to the identity of the one, and not to the other. He would as readily steal cattle; but he knew that he was liable to be hanged or transported for that; and he had no great taste for either of these punishments. For himself, he could say that he lived in a county where game was very strictly preserved, and there was not a better set of people in the world, nor more honest or industrious peasantry. There had not been an incendiary fire within ten miles of the place where he lived, and nothing could be better than the good feeling which existed between the landowner and the labourer. He would state an opposite case, which occurred in his county on the estate of an amiable nobleman, who had written a pamphlet on the game laws. That nobleman preserved his game, but after a peculiar fashion; he would not allow his keepers to watch at night, but he allowed his tenants to shoot upon his estate, on this proviso, that for fear of demoralising the people, they should not employ labourers on the farms. What was the consequence? The whole inhabitants of the parish where the noble Lord resided, were poachers; and they did not confine their poaching to their own parish, but they intruded into other parishes; and when they were asked why they did not stay in their own parish—they answered, "because the pheasants there are so lean and starved they will not sell, and, therefore, we are obliged to come and steal yours." He might notice further, that all these people that were to be kept so pure and moral were most determined sheep stealers. That was the difference between a county that was well preserved, and a county that was not half preserved. He had no doubt that the game laws, like many other laws, required revision. All he asked was, that they should not go to the extent of destroying game entirely, but leave something to induce young men to live in their own country, instead of going to the Continent, for when once they acquired a taste of living abroad, they came home generally very insignificant and worthless members of society.

Mr. *Hume* said, his hon. Friend the Member for Bristol had strangely misunderstood the object of his hon. Friend the Member for Durham in bringing forward his Motion. The hon. Member (Mr. Berkeley) in travelling to America for an argument had made quite a mistake. If his hon. Friend was disposed to compare the laws of America with the laws of England, let him take them as a whole, and let there be a special discussion upon the subject. There might be some laws in America which he (Mr. Hume) should condemn, whilst there might be others which he thought might be introduced to the manifest improvement of our own; but in referring to them as he had, the hon. Gentleman (Mr. Berkeley) had not done justice to the object of his hon. Friend the Member for Durham. His hon. Friend (Mr. Bright) did not wish to affect the property of any individual, but he wished for some alteration in these laws, because they had produced evils which no man could regard without being appalled. He (Mr. Hume) could not understand why his hon. Friend the Member for Bristol should not be as anxious for a Committee as his hon. Friend the Member for Durham, because he admitted public feeling was against these laws, and some modification was necessary in them. The hon. Member admitted this fact, and in proof of it he said societies had been established, and meetings held from one end of the country to the other, all denouncing the game laws. Could anything be stated more powerfully in support of the position that the evils produced by these laws required a remedy? The hon. Member for Durham deserved great credit for the manner in which he had brought the question forward; and the country at large upon reading the speech he had delivered, would be deeply grateful to him for it. Look at the situation of the country under the operation of these laws. No less than 4,540 persons was the number annually convicted under them. In 1811 there were only 127 persons committed for game offences; and in the same year, 1811, the convictions for all offences in England and Wales were 3,163; whilst last year, those under the game laws alone were no less than 4,540. Was it possible for any man to hear this statement, and not see there was something calling for remedy? The right hon. Baronet the Secretary of State for the Home Department had been twitted for inconsistency, but he had shown the best possible spirit on this question; and he had done so evidently from a conviction that evils existed which ought to be remedied. He (Mr. Hume) thought inquiry ought to take place.

Mr. *Liddell* had heard the speech of the hon Member for Durham with great interest—with considerable pain—as he alluded to the various points he brought before the House. He did not mean to oppose the appointment of a Committee; but he must own it would have been more satisfactory to him if the hon. Member for Durham, or any hon. Gentleman on his side of the House, had indicated in their speech some shadow of the alteration in the system which they expected as the result of the labours of the Committee. He might state that his paternal property was situated in a very populous neighbourhood —that it covered a large area of ground, and that for many years the game on that property had been strictly protected. He was bound to say with regard to that immense population that he had seen nothing of them, generally speaking, but the most excellent disposition and observance of the law. At the same time, evil dispositions did exist—it was with pain he had seen several outrages take place on his father's property. One case of murder had lately occurred, and four cases of frightful outrages on the person. The House would easily believe that, on such events occuring, the subject engaged the earnest attention of his father, and every member of his family. They were willing to sacrifice all the game on the property rather than have a recurrence of such evils; but, after long and anxious consideration, they came to the deliberate conclusion that they would not consent to do any thing of the kind. Not so much for the sake of the game, but likewise for the security of the property, for the comfort of the family and the establishment, for the security of the ladies of the house in their daily exercises, it was necessary to keep watch, and to protect the property from marauders. He was anxious to see the game laws improved; but let the House take care that they did not make matters worse instead of better—because he was convinced that if the game laws were entirely done away, and if they were to depend entirely upon an extension of the Trespass Act, then, in populous neighbourhoods every third person would carry a gun; and on Sundays and holidays gangs of men would go about armed, disturbing in a very serious degree the peace of society. All these dangers must be avoided in making any alteration in the existing law. It was but fair to consider also who were the parties that were really to blame for these outrages. Let him put a case to the House. They all knew that in the immediate neighbourhood of this house there were beautiful walks and pleasure grounds laid out for the recreation of the inhabitants of the metropolis; and a society had been at the pains to stock them with waterfowl. They were to be seen there tame; and he believed they afforded great interest and amusement to the citizens. Now, what would be said of the man, who, because his family were starved, carried a gun into the park, shot two or three of the ducks, carried them away, and on being interfered with by the park-keeper, knocked him down with the butt-end of his gun. Who would be to blame in such a case—the law that protected the parks, or the man that broke the law? It was the same case with regard to the protection of estates. The question divided itself, as the hon. Member for Durham had stated, into two distinct heads. The first was with reference to the damage done by the game to the extent of agricultural produce they destroyed, and the other was to the outrages to which he had already alluded. With reference to the amount of food the game destroyed, he believed, with the hon. Member for Bristol, that that was very much exaggerated—that in almost every case it was a case between landlord and tenant, with which the House had no occasion to interfere—and the hon. Member for Durham ought to recollect, when he next founded an argument against the game in his orations before the Anti-Corn Law League, that they destroyed such a quantity of human food—he ought to recollect that they themselves in turn became food—equally advantageous, equally palatable, and equally profitable in the market. He did not, however, as he had said, mean to oppose the Committee. On the contrary, it the hon. Member for Durham wished if, he was willing to become a member of it, and to enter upon the inquiry with as much moderation and impartiality as the hon. Member had brought forward his Motion, but at the same time he did not expect much good from it.

Mr. *Aglionby* concurred in the propriety of bringing forward this Motion, and in the sentiments expressed by the right hon. Gentleman the Secretary for the Home Department. He certainly must say that he was surprised there could be found in the House a Member inclined to find fault with the course pursued by the right hon. Baronet. He did expect that much good would result from a full inquiry before a full Committee, where witnesses might be examined, and he believed the result would be, that a great many of the exaggerated statements that had gone abroad upon the subject would be corrected. He did believe that a portion of the statements which had been made by the hon. Gentleman the Member for Durham — and which, no doubt, that hon. Gentleman implicitly believed, not knowing so much of the country, and of the operation of the game laws as many hon. Members present—was exaggerated. The hon. Member said there had been an outcry against the game laws from one end of the kingdom to the other. Why, he had been in the north of England, and he had never heard of such an outcry. It might be that in Suffolk meetings had been got up for the express purpose; but in the north of England, in Cumberland, and in Westmoreland, nothing of such meetings had been heard, and, be it remembered, there were game preserves in those counties. Then, again, the hon. Member for Durham stated in his speech that this was a question between landlord and tenant, and he would have them to believe that the preservation of game was injurious to the cultivation of the soil. Now, he (Mr. Aglionby) did not believe that such was the case. In the part of the country to which he belonged, in Cumberland, and other parts of the north of England, the properties generally were divided into small portions, the land was very well cultivated, and game was so divided that there was not above one hare for 500 acres. And he knew that there was a general kindness existing between the landlord and the tenant; that the landlords were generous men, and lived on the best of terms with their tenants; and that, too, where game was preserved. This was the state of things in his own immediate neighbourhood. He saw a Gentleman opposite to him who had large estates, not exactly near him (Mr. Aglionby), but certainly not very far off him, and who could bear out the statements he had made; and though game was preserved in that locality, there was not better cultivated land than was there to be found. He must say, that when the hon. Gentleman the Member for Montrose (Mr. Hume) quoted a comparative number of convictions of persons between the last year and the year 1811, in order to show the injurious effect of the game laws, he (Mr. Aglionby) was not at all convinced that the increase of crime was attributable to the operation of the game laws. The hon. Member said the offences now committed under the game laws were equal to all the offences committed in 1811. Now, that was not owing to the game laws, but to many other circumstances. Destroy all the game in the country, and that would not diminish the quantity of crime. He ventured to predict that if there was not a head of game in the country the property law would then be found fault with, as the game laws were now. If the hon. Member for Durham was to succeed in destroying the game laws altogether, and an end was to be put to battues, did they think that that would give satisfaction to the country? Did they not know that in the north of England, and in some parts of Scotland, where there were not many battues, that, without the inducement or temptation of seeing the game near them, persons came a distance of 20 miles from the mines, with guns, in pursuit of game? Now, that was not attributable to the game laws. He quite agreed with the sentiments expressed by the right hon. Baronet the Secretary for the Home Department. Whatever alterations might be made in reference to these laws, he hoped they would have the result of improving the morality of the people. At some future period they should have more evidence on the subject, and for the present he would not go further into the subject. He hoped the Committee would commence its sittings as soon as possible, so that their Report might speedily be laid on the Table of the House.

Colonel *Sibthorp* agreed with what had been said by the hon. Member for Cockermouth. He would not say the same of the hon. Member for Northampton, who appeared to him in his speech rather to encourage a disposition in people to make inroads and destroy private property. He did not advocate the game laws, nor would he oppose the Committee. But he must say that the language of the hon. Member for Durham appeared to him to be consistent with all the speeches he made in this House, raising an impression in the country that there existed a bad feeling between the landlords and tenant farmers. He could not have a stronger proof that that was not the case than was shown by this circumstance—that when he was prowling about the country as the advocate of the Anti-Corn Law League he had only been able to pick six cases in which he had obtained information from tenant farmers as to the destruction caused on their farms by the game. It appeared that he had dropped into one of the most extensive localities in the United Kingdom—the county of Lincoln; and there he had met with one intelligent farmer, who told him that he would rather see the abolition of the game laws than the continuance of the Corn Laws. He could not tell where the hon. Member had picked up that one intelligent farmer; perhaps, as a friend near him had suggested, on the railroad. If that intelligent farmer had entertained the hon. Member with a hare or a pheasant, he wondered if the hon. Member would have rejected it? He was of opinion that the hon. Member would not—that if the intelligent farmer had presented him with a hare or a brace of pheasants, that he would not have been disposed to ask whether they had been shot by license or snared by a poacher. But let him tell the hon. Member for Durham to take care how he prowled about Lincolnshire; and though he had not taken out a game certificate for the last five or six years—though he cared nothing about game—yet, if he caught the hon. Member in that county, he would not be the last to assist in apprehending him, bringing him before a magistrate, who, he hoped, would inflict such a fine as was due to the punishment of such an interloper.

Mr. *G. Berkeley* said, that the speech of the hon. Member for Durham, in bringing forward the subject now before the House, differed materially from all the speeches of the hon. Member which he had heard or read previously. For his part, he (Mr. G. Berkeley) did not object to the appointment of the Committee which was the subject of the hon. Member's Motion, and he should not have risen to address the House if he had not been personally alluded to by the hon. Member (Mr. Bright). He could assure that hon. Member that the expressions to which he had objected in the pamphlet to which he had referred, were called forth by the observations of the hon. Member in other places. If the hon. Member had confined himself to such speeches as that which he had made to-night, and had he not thought fit to abuse the class to which he (Mr. G. Berkeley) had the honour to belong, he should not have published those observations to which the hon. Member objected. A great deal had been said of the injury which had been done to the property of the tenant-farmers under the operation of the game laws, and of the hardships which they suffered in consequence of that destruction of their property; but when this subject was under the consideration of the House, it ought to be recollected that the tenant-farmer took his land with a knowledge of the quantity of game upon it, and that in most cases he was remunerated for the loss by the low rate at which he was allowed to enter upon a farm so situated. It had been said that it was not the agricultural labourer, but the outcast wanderer who generally became the poacher; but to this statement he (Mr. G. Berkeley) could answer that, in ninety-nine cases out of one hundred, it was the labourer who was in constant pay and full employment who became the poacher of game. The outcast, the houseless wanderer, was as objectionable to the farmer and the labourer as the landed proprietor, and was generally known by the tenants and labourers, and feared by them, under the name of the tramp; so that to his case the game laws bore no relation. With respect to the influence on the increase of crime which was exercised by the game laws, he should read to the House a few returns of commitments, which he held in his hand, and which would show that the committals for crimes were less numerous in districts in which the game was strictly preserved, than in those districts in which it was not preserved so strictly. In the county of Stafford, where game was strictly preserved, the return of commitments for all crimes for the years 1842, 1843, and 1844, was as follows:—In those three years, there were committed for all offences 8,446, and of these the number for offences under the game laws was 2,109; whilst in a district of large extent, where game was not strictly preserved, the cases of offences under the game laws amounted to 6,337 in the same period, leaving a majority of crime in unpreserved districts, in those years, of 4,228; so that, viewing the subject in proportion as to numbers in preserved and unpreserved districts, the game laws did not deserve the charge made against them of producing demoralization, inasmuch as more crime existed where game was not preserved with strictness. In the county gaol and house of correction at Taunton, in Somersetshire, the commitments for all crimes in the years 1842, 1843, and 1844, was 2,621, and of that number 77 were for offences against the game laws. How, then, could that return be said to show an increase of offences against the game laws in greater proportion than crimes of other descriptions? He would now take the gaol of Bury St. Edmund's; and he would beg of the House to see how the poacher and the common thief were one and the same delinquent, and to consider whether one was a more reclaimable offender than the other. In that gaol, the number of prisoners convicted of felony during the years ending Michaelmas, 1842, 1843, and 1844, was as follows; and the return which he held in his hand specified what proportion had been previously convicted of offences against the game laws, as well as those which had been convicted under the game laws for the three years named, and the proportion of these previously convicted of felony. In the years ending Michaelmas, 1842, 1843, and 1844, the number was—1842, males convicted of felony, 150; of poaching, 110: in 1843, of felony, 132; of poaching, 126: in 1844, of felony, 110; of poaching, 101; and on going through the table carefully, and comparing the number of cases of larceny and poaching for the three years, the result proved, that of every nine convicted of larceny, one had been a poacher; and that out of every twelve convicted of offences against the game laws, one had been previously convicted of larceny; whilst in 1844, there were fewer cases of poaching by nine than in 1842. Now, he would take the gaol and House of Correction at Ipswich; and it appeared that the total number of commitments in the year 1842 was 463, and of these 48 were under the game laws. It 1843, the number was 585, of which number 60 were under the game laws; and in 1844, the number was 605, of which 52 only were under the game laws; showing in that instance, on comparing the year 1842 with the year 1844, that there was an increase in general crime, in the last year, of 242 cases, whereas in the crime of poaching, within the same period, there was only an increase of four cases. They would not find that poaching had increased to the extent which a great number of hon. Members appeared to think, and that whilst it might, like other crimes, increase in a certain proportion to the increase of population, it had not increased to the extent which some had stated, or become so serious in late years, in comparison with previous years, as some appeared to think. The hon. Member for Montrose had referred to the year 1811, in order to show that there was now an increase of commitments. How could that prove that the game laws were the cause of any increase, when they recollected that in 1811 the game laws were ten times more stringent than they were at present? When hon. Members spoke of the evil which was inflicted upon persons by the game laws, they overlooked the great good which landed proprietors did to the country. If they looked to the estates of those gentlemen who were strict preservers of game, they would find large numbers of the poor employed upon them, and great benefits extended to all around by their residence in the country. It was said that a great number of the poor were unemployed in the agricultural districts. Would they, then, wish to deprive of employment all those who now were occupied in connexion with the preservation of game? Why should they take the bread from the mouths of the large numbers to whom the preservation of game gave employment, unless they were positively certain that they could substitute another law which would be better than that for the people in its operation. He had no objection to an inquiry. What he demanded was, that the tenants and farmers should not be set against the landlords by false reasoning. He did not like to hear his order, if they choose to call it so, represented as tyrants who did not care about the sufferings of the poor so long as their own enjoyments were not interfered with. To any inquiry in which the landed interest would be fairly represented, he should give his support; and if the hon. Member should succeed in convincing him against his will, he would join his side, but as long as he had a voice or a pen he would not sit down and submit to that abuse for which the hon. Member for Durham had become so famous for directing against him and his order.

Mr. *B. Escott* said, that the hon. Member opposite (Mr. G. Berkeley) had made a statement with respect to the game laws which was very important, and was one to which he could not give his assent. The hon. Member said, that the old game laws were more stringent and severe in their operation than the present game laws; and on that subject he (Mr. Escott) would join issue with the hon. Member, for he thought the existing statute was more stringent and oppressive than the previous one, inasmuch as the existing law, whilst it gave greater facilities for the disposal of game, increased the penalties for poaching. In one sense it added to the temptation, and on the other hand increased the penalty. They were all aware how much the Judges objected to a prosecutor placing temptations in the way of a felon, and that it was assigned as a reason for refusing costs to a prosecutor who had so acted. In this case, however, the game laws gave the greatest possible facility for the disposal of game by the poacher, which was difficult under the former law. There was another point to which he wished to direct the attention of the House, namely, the summary convictions under the game laws. He believed it would be more satisfactory to have a more common intervention of juries; for however high-minded and honourable the country gentlemen were, yet it would be more calculated to give confidence to those who were affected by the game laws, to have the cases tried before juries, than before a tribunal which, perhaps, they might suppose would be interested in the stringent operation of those laws. He was sure that every one who enjoyed the sports of the field would feel obliged to the hon. Member for Durham for affording an opportunity of showing that there was nothing tyrannical or oppressive necessary in order to encourage and maintain rural sports.

Mr. *Wakley* said, that the hon. Member for Gloucestershire had devoted much time to the investigation of facts connected with this subject, and what was his argument? That the offence of poaching was not usually committed by the houseless wanderer or vagrant, but generally by the regularly employed and regularly paid agricultural labourer; that the offence was in ninety-nine cases out of 100 committed by the labourer: if that were true, was it an argument in favour of the continuance of the existing game laws? Must they not in such a case be productive of the most injurious and demoralizing effect on the people? What was the condition of the agricultural labourer who was detected poaching? Would the farmer employ him? No, he dared not; and if he did, he might lose the occupation of his farm. Would hon. Members say that a man who had been detected poaching would get employment from a farmer? [Mr. *G. Berkeley:* Yes.] He denied it, and his experience did not show him that such was the case. In the parish of Ruislip, with which he was acquainted, the farmers would not employ any man who had been detected poaching. Was it not astonishing that high-minded, kind-hearted gentlemen could sit down and enjoy themselves, knowing that any of their own pleasures had a tendency to produce misery to others? It was deplorable that an aristocracy said to possess so much good feeling and high-mindedness should be open to such a charge. There was one result which he trusted the Committee would produce, namely a discontinuance of the stupid and ridiculous battues. He had been a game preserver, and he had always acted on a system which effected his purpose without irritating and annoying those around him. He always said to a farmer, "Whenever you want a day's sport give me notice, and you shall have it," and that was a most successful mode of proceeding. He never prosecuted a poacher; but he remembered once catching one, and how did he act? He told the man that he was sure it must be distress which drove him to such conduct, for he could not believe that he would leave his regular employment and adopt such a dangerous course; and he added "If you are in distress come up to my house, and I will give you a joint of meat, and whenever your family are in distress, come to me again, and you shall have another." To that the man answered, that he might depend he never should catch him poaching there again, nor would he permit any one to do so if he could prevent him. Why did not hon. Members try that system, or something approaching to it, instead of framing a law, which if it found a poor man in distress, and without means of supporting his wife and children, inflicted such severe penalties on him if he yielded to the temptation of killing a head of game? They might adopt a course which would allow them to enjoy their pleasures with a better appetite, and without creating in the mind of any poor man a rankling feeling of revenge. He believed that, ultimately, game laws must give way to the pressure of population. The population was increasing in vast numbers, and they had seen in all other countries that savage life disappeared before civilisation. The Red Indian had been obliged to fly before the civilised man, and the game would follow the same course in this country.

Mr. *Newdegate* said, that he should not have addressed the House had it not been for several allegations contained in a petition against the game laws, which had been presented and subsequently alluded to by the hon. Member for Durham: the statements contained in that petition were no unfair instances of the exaggeration and fallacies which too often characterized statements on this subject. He (Mr. Newdegate) was well acquainted with the parish of Ruislip; he had been born in the adjoining parish of Harefield, where during great part of every year he resided; there he had for five or six years as a Magistrate attended on the bench before which all cases from Ruislip were tried. The first point in the petition to which he would allude was that stating the enormous quantity of game in Ruislip, where the quantity was nothing approaching that indicated by the petition; but the allegation which was most preposterous and the most untrue, was the complaint of the petitioners, that they were heavily rated for the maintenance of the police, whose almost sole occupation was the preservation of game and the detection of poachers. Now he could assure the House that in very few instances had he known policemen give evidence in cases under the game laws, except so far as related to the service of summonses issued by the Magistrates, and that in such cases he could not recall one instance of a policeman having appeared as the prosecutor. He assured the House that this statement was entirely without foundation, and he called upon the Home Secretary to ascertain whether there were any grounds for it. He rejoiced at the manner in which the Motion of the hon. Member for Durham had been received by the House, for it would prove to the country at large how ready the landed proprietors of that House and of England were, to submit their pleasures, their pursuits, and their property to investigation, where even the shadow of public advantage could be anticipated from such an inquiry. He appealed to the conduct of the landed interest on the present occasion, in attestation of what he had stated with respect to the motives which as a body actuated that interest, when he lately addressed the House upon the Motion of the hon. Member for Bath. He begged to acknowledge the more moderate tone adopted that evening by the hon. Member for Durham; and would merely suggest to him how little the tone and doctrine of the Members of the Anti-Corn Law League in general tended to promote that good understanding and those kindly feelings between landlords and their tenants, which the hon. Member had that evening so eloquently inculcated. The hon. Member for Finsbury had prophesied that ere long game and game preservers would vanish from this country, retreating before civilization like the game and the red man in America. He (Mr. Newdegate) could not quite understand how far the hon. Member intended that comparison to apply to the country gentlemen of England: should it result in their non-residence, and the abandonment of game preserving, he doubted whether the country would be much benefited by the change. At present, whilst preserving game, gentlemen protected not only their own property, but that of the tenants upon their estates; at present, the best preserved districts were generally the most peaceful; but were the preservation of game abandoned, woods and moors would again become the lurking places of thieves, and an enlarged system of police would be required, the expense of which must be heavy, and would fall with peculiar severity upon those whose advocates the anti-game law agitators professed to be; and this merely because the owners of landed property were not to be allowed to guard that which was strictly their own in a manner that thus resulted to the public good. He would not ascribe such paltry motives for the residence of country gentlemen on their estates as mere amusement; but it seemed to be forgotten that most families consist of more than one—that whilst the father may be properly engaged in those more serious duties and pursuits which befit him, that the younger branches of the family can scarcely have better amusements than those which are afforded by field sports. It was vain to philosophise and forget the real state of these things—in youth, men seek amusement and excitement, and if you deny it them in that which is manly and innocent at home, they will seek it elsewhere; and I appeal to the House, whether a lengthened residence abroad sends the young men of England home, better men, better members of society, or better citizens.

Mr. *Cobden* said, that although there appeared to be a general concurrence, and a general approbation of the Motion proposed by his hon. Friend, yet there was a general disposition to impute to his hon. Friend's statements—exaggeration. He had observed, when an estimate was offered of the amount of grain consumed by game upon a farm there was a slight cry of "Oh, oh;" and he remarked to an hon. Friend who sat beside him that the country Gentlemen appeared to know less of the feelings of the farmers—he repeated that they knew less of the feelings, the circumstances, and the grievances of the farmers—than he and the other Members of the much-maligned Anti-Corn Law League. There was nothing of which the tenant-farmers complained of over their own firesides, and when released from the surveillance of proprietors, and gamekeepers, and watchers, so much as the game laws. ["Oh, oh"]. Let that "oh, oh" go forth to the country, and the people would say that the landlords knew less of the country than he did; nay more, he said that he had a larger correspondence with farmers, he had shaken hands with more, and had talked with ten times more tenant-farmers, than any other Gentleman in that House. With regard to the exaggerations imputed to the estimates of the cost occasioned on a farm by the damages of game, he could prove that these were not exaggerations. He was in Scotland last year, and received a letter from a farmer in the neighbourhood of Cupar in Fife, which he requested him to read to a public meeting. After stating the grievances that resulted from game, and expressing a hope that the Anti-Corn Law League would attack the game laws, as well as the Corn Laws, the letter went on to say, in order to give him some idea of the destruction occasioned in that district by game, that upon about 700 Scotch acres of land held by the writer and four others from Captain Wemyss, the sum of upwards of 700*l.* was awarded to them in 1841 by the arbiters, and even then they were not indemnified for the losses sustained from that cause. This, the writer observed, would show the loss of human food that was incurred by game being preserved by the aristocracy. The name of this tenant-farmer was Andrew Falton. There was nothing of which the landlords were so profoundly ignorant as the state of feeling amongst the farmers. Gentlemen talked of exaggerations, but they had not referred to the reports on the Table of the House. Was it not a monstrous evil that 4,500 persons should be convicted of poaching in one year in England and Wales, and forty transported? — that in ten years twenty men should have been shot? There were 60,000 persons who took out licenses; and in order that they should enjoy the indulgence of sporting, 4,500 persons were convicted, and forty transported, or, in other words, for every fifteen persons that went shooting, one man was convicted of the crime of poaching. He pleaded guilty to all that the Anti-Corn Law League had done to bring this question before the House; and it was by the feeling created out of doors that the House and the Government were reluctantly compelled to grant this Committee [" No, No"]. Why, he used the words of hon. Members themselves. The hon. Member for Bristol had told them that it was in consequence of the violent attacks upon the game laws out of doors that the Committee was conceded. He did not want to appear as the farmer's friend in this matter. The farmers were too much practised on already by professing friends; and the best service that could be rendered to the tenants was to dissuade them from trusting to professing friends in that House on either side, and to induce them to trust to themselves, and believe that any good which would result from this inquiry must result from their own determination, and not from legislation. The tenant-farmers must resolve when they took a farm to take all the produce of that farm. Was it not absurd that A should let a farm to B, and should then let to C the right of shooting over B's farm? It would be just as reasonable to let the farm, and then let to a butcher the right to turn his sheep or cattle on it. He did not believe that much good would result from this Committee—there were too many people in that House who took out licenses—but it would give an opportunity to the farmers to make known their grievances, and, if any good was to be expected, they must depend upon themselves and upon the middle classes to help them to get what they wanted.

Mr. *Adderley* declared that there was no unwillingness on the part of the Members sitting on the Ministerial side of the House to the appointment of the Committee. He did not think the destruction of food by game a proper subject of inquiry by the Committee, as that would involve a question of pounds, shillings, and pence, between the landlord and the tenant, in which the Legislature could not properly interfere. A more important consideration would be the alleged connexion of crime with the game laws; and if the Report of the Committee should establish the allegations made on that head, he for one would say, Perish the game laws and all the game in the country, if thereby crime would only be diminished.

Mr. *Wodehouse* admitted the moderation which had been exhibited that night by the hon. Member for Durham, and which formed a strong contrast with the temper he had displayed on previous occasions. He and his friends had no objection to this inquiry, but he trusted that, let the result be what it might, the Committee would be a fair one. Nothing, he was convinced, would prove to be more groundless than the statements which were daily made by some hon. Gentlemen opposite, that the landlords were a selfish set, caring only for themselves, and not for their tenants.

Mr. *Colvile* defended the conduct of certain magistrates of Ashby-de-la-Zouch, who had been referred to in the course of the debate, and stated that neither of them were game preservers. He was favourable to the sport of fox-hunting, and if the Report of the Committee led to any Bill, he should certainly propose a clause for the protection of foxes as well as of hares and rabbits.

Sir *R. Peel* said, that the hon. Member for Stockport was mistaken in supposing that there was any reluctant acquiescence on the Ministerial side of the House to the Motion made by the hon. Member for Durham, or (to use his words) to a full, dispassionate, and impartial inquiry into the operation of the game laws. He had had an opportunity of conferring that very day with a very large portion of agricultural Members and others sitting on the Ministerial side of the House, and there was a unanimous feeling that the inquiry ought not to be resisted. They did not anticipate, he must own, so temperate a speech from the hon. Member for Durham as that which he had made; but at the same time their view was not altered by the expectation of a more violent speech from that hon. Member, and therefore he assured the hon. Gentleman who had spoken of a reluctant acquiescence, that his impression was entirely incorrect. They thought that the evidence of increasing poaching, and the apparent connexion of crime with the game laws, constituted a justifiable reason for any hon. Gentleman asking for inquiry. In his (Sir R. Peel's) opinion this view was a perfectly just one. Having before them evidence of an increase in crimes, resistance to inquiry would have been unwise; but he must own at the same time, that it would be unwise to entertain very sanguine expectations with respect to the effect of any alteration. The prejudices against the game laws arose from the excessive preservation of game in certain districts. Where game existed to a moderate extent, they would find no great amount of crime, and the existing game laws worked well. If, however, they were to make any alteration of the law with the view of applying it to the excessive preservation of game, they could not restrict it to particular localities, and it might injuriously affect a much larger portion of this country where the game laws worked well, and where there was no ground for interference. He believed that on the whole the effectual way of dealing with this subject would be by a social and moral change, rather than by a legislative one. They who preserved game would do well to consider whether or no it were wise to preserve game to such an excessive extent as prevailed in some parts. This was the way in which he anticipated a useful result; and he believed that evidence might be adduced which would bring home conviction to almost every Gentleman, that it was his duty, not enforced by law, but a moral duty, not to keep up any excessive preservation of game. What objection could there be to a tenant, before taking a farm, making strict conditions with respect to game? It would be perfectly fair for the tenant, whether a tenant at will or by lease, to stipulate with his landlord, that he should not let the game, and that he should have the exclusive right to the game on his ground. He apprehended that the law as it stood would give the tenant the exclusive right to the game if there was no reservation; and if the tenant objected to take a farm with a reservation, he could do so. The remedy, in point of fact, was in the hands of those who made their contracts on taking farms. His impression was, that tenants would consider this subject, and before taking farms would make stipulations of that kind. Much evil had arisen from tenants entering into contracts with their landlords under the impression that their landlords only desired the game for their own amusement, or that of their friends; and after that the estate was let to other parties, with whom this understanding did not exist. He thought that the amusement of sporting had been almost destroyed by the extent to which the system of preserving game was carried, and they would find more pleasure in sporting after the fashion of their forefathers, than by accumulating great quantities of game, holding out thereby a temptation to crime difficult to resist. He hoped that improvement would be effected rather from consideration on the part of landlords than by an alteration of the law; for he despaired of seeing any alteration of the law which would not affect the rights of property, and thereby introduce more evils. If they abolished the game laws and allowed everybody to kill game, as being animals *feræ naturæ*, he feared that the state of lawlessness and insubordination which might thereby be occasioned would cause the occupying tenants more injury than the present system. It was said, that the permission to sell game was the cause of evil, but let them not hope they could revert to the former system. He recollected the discussions which induced the House to make the alteration; and it was proved that the law was evaded, and that under the old system any person might get game whenever he wanted it. So again, with respect to the qualification; what could be more rational or just than to permit every person, without reference to his *status* in society, to provide himself with a license to kill game? Let it not be supposed possible to alter the law in these respects. He cordially concurred in the appointment of the Committee, and he hoped that they should approach the consideration of the subject in the same temper as had been displayed during the present debate. As he stated before, he despaired of making any important improvement in the law; but all game preservers would do well seriously to consider whether it was not in their power to apply a remedy to the evil, by modifying their own conduct according to the change of circumstances and the existing feeling of the country. He strongly advised all parties to enlist on their side rather more than at present the feeling of the occupying tenant, by associating him in some degree with themselves in their amusement of sporting. With respect to the four-footed species of game, hares and rabbits, he believed that the complaint against their excess was well founded; but if the landlords permitted their tenants, with certain restrictions, either to destroy or derive some enjoyment from the game, he believed that such arrangements would be attended with advantage. He repeated, that with respect to the Gentlemen with whom he had conferred that day, nothing could be more disinterested or more honourable than their conduct; nothing could be more marked than their desire that there should be a full and impartial inquiry; and nothing could be more proper than their consideration with respect to the morals, the peace and good order of society. The mere preservation of game was a subordinate consideration; and he repeated that, regardless of any taunts, nothing could be more cordial than their desire to co-operate with hon. Gentlemen opposite, in order to make the fullest inquiry.

Motion agreed to.

Committee to be nominated on a future day.

Poor Law Unions.] Captain *Pechell* said, that at the close of last Session an Order had been transmitted to the different Poor Law Unions throughout the country, for a return of the employments of the poor in the workhouses in each Union; and that from the Returns laid upon the Table of the House, all the Unions had complied with the Order of the House, with the exception of the Boston Union, the Guardians of which, instead of making the specified returns, thought proper to address a letter tantamount to a denial of the authority of the House, and stating that they had decided not to make such return. From what had fallen the other night from the right hon. Baronet the Secretary for the Home Department, he was bound to believe that it was the wish of the right hon. Baronet to discourage the employment of the poor in workhouses in the grinding and crushing of bones. And no other course was now left to vindicate the authority of the House but to insist that further instructions should be sent down to the Poor Law Guardians of that Union. The hon. and gallant Member then moved—

"That there be forthwith laid before this House a Return from the Boston Union, stating whether the pauper inmates thereof are, or have been, since the formation of the said Union, employed in grinding or crushing bones by means of mills, machinery, or otherwise, together with the date of the erection of such mills or machinery, and the names of the Chairman and Vice-chairman of the Board of Guardians of the said Union at the period; also, the cost of the said bones, including the expenses of carriage and other incidental expenses, and the amount which the same have produced in their manufactured state, and whether the same have been sold by tender, or at a fixed price or otherwise."

Motion agreed to.

House adjourned at eleven o'clock.

HOUSE OF LORDS,

Friday, February 28, 1845.

MINUTES.] BILLS. *Public.*—2ª· Constables (Scotland); Bail in Error.

Private.—3ª· Britten's Divorce.

PETITIONS PRESENTED. By the Bishop of Norwich, from Llanerchymeda and 2 other places, for the Adoption of Measures for the better Suppression of Intemperance.—From Female Inhabitants of Downham Market, for adopting Measures for suppressing Seduction and Prostitution.—By the Earl of Minto, from Dumbarton, for Improving the condition of Schoolmasters (Scotland).

SUGAR DUTIES.] Lord *Monteagle* rose to move for the Papers relating to Discriminating Duties on Sugar of which he had given notice, to which he believed there was no objection. When a discussion took place on a former occasion, his noble Friend opposite (Lord Stanley) seemed to consider him premature in offering any observations on a measure which was to come before their Lordships in the shape of a Bill; now it was precisely on that very account that he was anxious to make a few observations, because they were informed that the Resolutions about to be proposed in the other House would take effect from the date of the Motion passing, and therefore any objection to them if raised against the Bill would come too late for consideration. He had, on a former occasion, taken the liberty of saying, that if the reported intentions of Her Majesty's Government were to be depended upon, their scheme was open to the greatest possible objection, on the ground that although in every year since 1836, the question of the Sugar Duties had undergone Parliamentary discussion, it was now for the first time proposed to depart from the principle of perfect equality between the advantages conceded to the dominions of Her Majesty in the East and West Indies. A perfect equalization of duties was the principle of the Act introduced by himself in 1836, against which, from the time of its enactment to the present, he had never heard any one complaint or objection. He thought it still more necessary that this principle should be adhered to in consequence of the proceedings of the Legislature during the last year; it would be in the recollection of their Lordships that the measure then proposed by Her Majesty's Government, so far from being brought forward as a final measure, was stated to be only intended as a notice to the parties of the principles on which future legislation would be founded. That was repeated over and over again in both Houses of Parliament. The Bill of last Session contained no provision which could alter the effect of the Equalization Act of 1836; and after both parties, especially the East Indians, had, on the faith of the Act of 1836, invested a greater amount of capital in the cultivation of sugar, and had augmented their produce greatly to the advantage, not only of the consumer, but of the Treasury, it would be the grossest injustice to them to abandon from the principle of that Act by a proposition which would have the effect of imposing a higher duty on East Indian than on West Indian sugars. He had exceedingly rejoiced to hear on a former occasion from his noble Friend opposite that it was the intention of Government to adhere to the principle of equality throughout their present measure. He hoped he was warranted in assuming that that principle would be fairly and effectively carried out, and would be something more than mere words; but if a measure were proposed which would in its operation, in fact, impose a discriminating duty on sugar which was for the most part the produce of the East Indies, and that of the West Indies, it was practically immaterial whether or not this discriminating duty were imposed in express terms or were imposed indirectly—the fact was precisely the same, if the produce of the one country were really taxed more highly than that of the other. An artifice of this kind, he would not call it a fraud, was once attempted to be carried into effect by the Government of France with respect to the duties on iron. It was proposed by the French Government that there should be a higher duty upon the iron brought by sea than on that which was brought by land into France. Undoubtedly, no mention was made in name, either of England or Belgium, but the effect was the same, because English iron must necessarily come by sea, and Belgian by land. If the proposition of the Government in reference to the Sugar Duties should be carried out in the terms in which it was propounded, an inequality of a similar nature would be the practical result, or he certainly was in error, and he was in error in common with many of those who had the best means of forming a sound practical opinion. Since the former discussion occurred, he had communicated with several of the most eminent persons engaged in the East India trade, and undoubtedly the impression on his mind, from the replies he had received, was, that the plan of the Government would have the effect he had stated. One very considerable merchant stated that he was persuaded all the East India sugar would be called clayed, or equivalent to clayed, and would, therefore, have to pay a higher duty than Muscovado; another stated, that if colour was to be the only criterion, it would operate most unjustly against the East Indians. If colour and quality were taken into account, there were other insuperable objections to the plan. But that which showed most strongly the objections felt throughout the commercial world to the plan of the Government was a petition addressed to Parliament by the East India and China Association, a body comprehending, he believed, all the most eminent traders and merchants concerned in this branch of commerce. It was true that two very respectable firms dissented from the terms of that memorial; but, with that exception, it was unanimously adopted. The petition stated,—

> "That your Petitioners believe it to be notorious that nearly the whole of the sugars imported from the British West Indies and the Mauritius are Muscovado sugars, and would be subject to the duty of 14*s*. per cwt. only; whilst from the East Indies, sugars, having undergone some process of purification by which their appearance more nearly approaches to what is technically called 'clayed sugar,' (although that process does not exist in India) the great bulk of the Bengal and other East India sugars would, from their whiteness, be classed 'as equal to clayed.' But your Petitioners submit, that although Bengal sugars gain in colour and appearance, they are rendered inferior in strength and grain by the process they undergo, and that your Petitioners are able to show that in the home market the average prices of West India, Mauritius, and East India sugars are nearly the same, and that, in point of fact, the Muscovado sugars from the West Indies bear an equal, and in some cases a higher price in the market than white East India sugar. Your Petitioners therefore submit, that practically, the introduction of the proposed discriminating duties, would subject India sugars of equal or less value than West India sugars to an additional duty of 2*s*. 4*d*. per cwt., thereby destroying that principle of equal duties upon sugar which was solemnly established after years of elaborate discussion, and inflicting severe injury upon the people of India, who, on the faith of the existing equality in duties, have entered extensively into the cultivation and manufacture of sugars, and oblige them either to relinquish the unequal competition, or to stop the progressive improvement in their manufucture; the discriminating duty offering a bonus to the export from India of coarse and inferior sugars."

The general impression among those interested in commerce was, that the effect of the intended measure would be, to impose new and increased duties on East Indian sugar, as compared with the duties on West Indian sugar. If it were the intention of Government to impose additional discriminating duties, the mode they were about to adopt was the very worst they could employ. Their measure might be intended to remove the inequality that was objected to in the existing duties, and to substitute something approaching an *ad valorem* rate. But if so, it would utterly fail, as the papers he intended to move for would prove to demonstration. The Government of Earl Grey made a similar attempt with respect to tea, and had introduced a classification of that article, the arguments in defence of which were very plausible. It was adhered to for a certain number of years, but it utterly and entirely failed, and for a reason which would make the Government scheme in respect to sugar fail in a similar manner; for, draw the line as they might with respect to sugar, whatever might be the definition they would always find that the highest quality of the second class would be worth more than the lowest of the first class; and there would thus be imposed on the lowest qualities of sugar a higher duty than on the higher and better qualities. The fact was, that tea could be more easily classified than sugar, Bohea being distinguishable from Congou, but yet the maintenance of a classification had been found impracticable, and it was found necessary to revert to the imposition of a uniform rate of duty—the only possible plan, though it might sometimes operate unequally. But this was not all. The very experiment now about to be tried with regard to sugar had been tried and had signally failed on a previous occasion. In 1821, an additional duty of 5*s*. per cwt. was imposed on sugar, clayed or equivalent to clayed; that measure, however, created such dissatisfaction that Parliament was obliged to retrace its steps: nay, before Parliament could repeal the Act, the Treasury was obliged to interpose, and allow the smaller duty to be received on bonded sugar. On this subject he had with him the high authority of Mr. Huskisson. In 1823, on a motion by Mr. Woolryche Whitmore, for the equalization of the sugar duties, Mr. Huskisson stated—

> "That he was willing to take off the duty of 5*s.* which had been laid, two years ago, on a particular sort of sugars coming from the East Indies, which was thought to be equal to the clayed sugars of the West Indies. Considerable difficulty was found in appreciating this particular sugar. The best judges were often unable to say whether it was a clayed sugar or not. To obviate the inconvenience to which the East India planters were subject, from having to send their sugars sometimes to this country, uncertain whether the protecting duty charged upon them would be 10*s.* or 15*s.*, he was disposed to do away with that extra 5*s.* altogether."

He (Lord Monteagle) saw no possible reason why the proposed measure of the Government, if carried, should not lead to all those irregularities and complaints which had induced Mr. Huskisson to repeal a similar duty. It could not be expected that landing waiters and surveyors could discriminate accurately in reference to the saccharine matter contained in particular parcels of sugar; this would be exceedingly difficult even for Dr. Ure, in his laboratory, to determine, and as a point of Custom House regulation it was utterly preposterous. An experiment of this kind must of necessity end in disappointment of the worst kind, as it would be sure to produce constantly reviving collisions between the officers of Government and the importers. Nothing was so bad for a trade as a perpetual state of contention and of uncertainty; and if circumstances had admitted of the Sugar Duties being made permanent, by the enactment of a well-considered law, a greater boon to a great interest could not have been conferred. By the Papers which he should now move for, they would be enabled to see the whole working of the former discriminating duty, the grounds on which it was abandoned, and the grounds on which a duty similar in its character and nature was proposed. The noble Lord concluded by moving for the Returns.

Lord *Stanley* said, that his noble Friend must be aware that the Papers he moved for had already been laid on the Table of the other House, and, therefore, there could be no objection to afford to their Lordships the same information. Under these circumstances he could have wished that his noble Friend would have abstained from what he considered the somewhat irregular course of making observations on a measure not at present before their Lordships. He protested against this premature discussion of a Bill which was thereafter to come before their Lordships, but with respect to which even the preliminary Resolutions had not been adopted by the other House. If there were any doubt as to the inconvenience of the course adopted by his noble Friend, he thought the speech of his noble Friend contained full evidence of that inconvenience, because, to found his opposition to the measure, he had been obliged to take many alternatives, so that whatever might be the character of the measure, he might object to it. If the qualification were to be colour, that would not be a satisfactory test; if the qualification were to be the saccharine matter, that would be equally unsatisfactory; if the qualification were to be a chymical test, that would not be satisfactory. He ventured, therefore, respectfully to submit to his noble Friend that he should furnish himself with all matters of official detail, and with all details which might enable him to discuss the principle of the measure, and then that he should reserve his objections till all the facts and proposals were made, and then see against what point he could most effectually direct his artillery. He would have no objection to furnish his noble Friend with the particulars he desired; and when the Bill itself should be before their Lordships, he would be most anxious to submit the principle and the details to the most rigid and active discussion and examination; but he did deprecate any discussion on the Bill before the Resolutions on which it must be based were adopted by the other House of Parliament. He could not admit the statement of his noble Friend, that there would be no opportunity for discussion, though his noble Friend said, he knew from authority that the duties would take effect immediately after the House of Commons should have agreed to the Resolutions. This was true to a certain extent, but the duties would take effect on the Resolutions of the House of Commons, only subject to a confirmation by the Parliament. It would be just as competent for their

Lordships to discuss the Bill which must be brought forward after the Resolutions were agreed to, for after those Resolutions they could only be carried into effect subject to future confirmation by Act of Parliament. The consequence would be that there would be no inconvenience in postponing the discussion till after the details should be before the House. He would repeat again the declaration, and he begged that he might be correctly understood—it was the intention of Her Majesty's Government with respect to the produce of equal quality, whether it was East India or West India sugar, not to make any distinction of duties: it was the intention of Her Majesty's Government to give to sugar of equal quality in the East Indies the same advantages as to West Indian sugars of like quality; and it was their intention to give a protective duty to sugars of a superior quality, whether they were the produce of the West Indies or of the East Indies; but they did not intend to give, and the proposal of Her Majesty's Government did not give, any advantage to the sugars of one or of the other. And he thought he should be able to prove to his noble Friend that his apprehensions were unfounded, and that, in point of fact, a large proportion of East Indian sugars would be admitted for home consumption at the lowest rate of duty.

Returns agreed to.

Bail in Error.] The *Lord Chancellor:* I rise, my Lords, to propose the Second Reading of the Bail in Error Bill, and, as I do not expect any objection to the second reading, it will not be necessary for me to do more than state in a few words the object of this Bill. That object is to enable a party who may be found guilty of a misdemeanour, on bringing a writ of error to reverse the judgment pronounced against him, to suspend the exetion of that judgment by giving bail to surrender himself, and submit himself to the execution of the judgment of the Court, if that sentence shall afterwards be affirmed. This bare statement of the purpose of the Bill will, I apprehend, be sufficient to induce your Lordships to give it your concurrence; but if I state an instance or two of the most striking defects of the law as it now stands, I shall obtain a general assent to my proposal. Suppose, my Lords, that a person be charged with a misdemeanour, and be found guilty of the offence; suppose the sentence should be that the party be imprisoned, say for three or six months—it is important to mention, that imprisonment is the ordinary punishment in cases of misdemeanour; suppose the party is advised by his counsel that the judgment is erroneous, and that he has good grounds for reversing it by writ of error: but immediately upon being pronounced that sentence is carried into execution; the party is put into confinement; he then brings his writ of error. Any one who knows this course of proceeding, knows that a considerable time must elapse before the writ of error can be heard and the decision revised. In the meantime the party would be suffering the sentence of the law; and if the imprisonment be not long, the judgment will be complete, and the sentence will have been fully executed before the judgment on the writ of error is given. It is quite impossible that your Lordships can justify such a state of the law—it is, in point of fact, to deny to this party the benefit of the writ of error. Will it be supposed that any party sentenced to imprisonment for a short period —it may be of not more than two or three months—will bring his writ of error, when it is almost necessary that before the hearing of the writ of error the judgment which has been pronounced will have been fully executed? The party will be urged to go on with his writ of error, whilst his sentence will have been fully undergone. What interest will such a person have in bringing his writ of error? Is it not obvious, that unless a change be made in the law, you deprive such parties of the benefit of their writs of error? It will be idle for them to prosecute any writ, if the consequence be that they have suffered the whole sentence. It is obvious, therefore, that it is the duty of your Lordships to protect the parties suing out the writ of error from the consequences I have stated. Now, my Lords, it is important to consider what is the state of the law with respect to civil proceedings. At the Common Law, if a judgment be impugned, and if a writ of error be brought, the writ of error suspends the judgment of the Court. It was not even necessary by the Common Law that the party bringing the writ should give bail. Some inconvenience was felt to result from this state of the law by parties bringing writs of error merely to delay the execution of the judgment. Many contrivances were attempted to obviate that inconvenience, till at last, in the reign of James I., it was required that a party in a civil suit, before a writ of error is brought, shall enter into recognizances by himself, and sufficient sureties, to secure the debt, costs, and damages for the delay in the execution, if the judgment should be affirmed. This is the state of the law, with some alterations, as it remains at the present time. If this be right in the case of civil proceedings, *à fortiori* it must be right in criminal cases; and for this plain and obvious reason,—because in civil proceedings a sum is recovered by the judgment, and if that sum be handed over and the judgment be set aside, the amount may be recovered back; or, at least, there is the possibility of its being recovered; but, if in criminal cases the sentence of imprisonment be carried out, there is no possibility of the party being restored to his original position, because his case admits of no subsequent remedy. Therefore, if this course be pursued with respect to civil proceedings, *à fortiori* it ought to be followed in criminal cases. If we turn to the Courts of Equity, we shall find that a similar course is taken. If the decision of a Court of Equity be appealed against, that appeal does not of necessity suspend the execution of the judgment; but application may be made to the Court to suspend the execution of the judgment, and the Court does, in its discretion, and if it deems it a proper case, assent to the Motion, and suspend such execution. There is, therefore, an analogy between the course in civil proceedings generally; and, as there is still stronger reason in favour of a like course in criminal cases, your Lordships will, I am sure, be of opinion that the Bill I now propose ought to be passed into a law. It is a singular circumstance, most certainly, that there should have been so many eminent lawyers in both Houses of Parliament, and that the law should have continued in this state down to the present time; but the fact is, that when we are accustomed to a certain practice, unless there be some occurrence which shall call for the exercise of our energy, we are apt to slumber on our duty, and we allow the defect to continue till at length we acknowledge it, and make an alteration in the law of the country. It has happened, my Lords, that circumstances have occurred which drew the attention of my noble Friend (Lord Campbell) to the state of the law on this subject. For the purpose of amending the law my noble and learned Friend brought in a Bill last year which did not appear to me to be at that time free from objection; I therefore opposed it on the second reading for reasons which I stated to your Lordships, and in the propriety of which your Lordships concurred; but I stated at the same time that on some future occasion, in case my noble and learned Friend should seek to carry out the object of the Bill he had introduced, I would give him my support, and that if he did not introduce his Bill I would bring forward a measure the principle of which met with my entire approbation. I also stated at the same time that other Bills were under the consideration of the Government; they are now preparing, and I hope that at no very distant period I shall be able to lay them on your Lordships' Table. I will say no more now than propose to your Lordships to give a second reading to the Bill for allowing bail in error in cases of misdemeanour.

Lord *Campbell:* My Lords, I do not rise to oppose the second reading of this Bill, for I have not changed my opinions on this subject, although my noble and learned Friend has entirely changed his; and, as it appears to me, my noble and learned Friend has utterly forgotten the course he took last year, and has not refreshed his memory by a reference to the pages of *Hansard*. The two Bills introduced last year and now are precisely the same — they are both called "Bail in Error Bill;" they are both entitled in the same way, "A Bill for staying the Execution of Judgment in Cases of Misdemeanour, and for Allowing Bail in Error;" but the great difference is, that the one was presented by my Lord Campbell, and the other is presented by the Lord Chancellor. I am very glad that my noble and learned Friend has not followed the example of the Gipsies, who, when they take children which are not their own, and endeavour to pass them off as their own, are sometimes accused of mutilating and disguising them. My noble and learned Friend has spared me that; his Bill is *ipsissimis verbis* the same as mine; there is only one alteration which my noble and learned Friend may be disposed to swear by. My Bill suspended the execution of the judgment "till the performance of a condition;" and this Bill suspends the execution of the judgment "if the condition is performed." That is the difference between the two Bills. My noble and learned Friend has made—and it is not the first time that he has made—a most admirable speech in favour of a bill which upon a former occasion he had most strenuously opposed, and which he has caused to be rejected. Upon the present occasion my noble and learned Friend did much better justice to the topics which I formerly ventured to bring before your Lordships; but the same topics—and I am flattered to hear almost in the same words—have now been brought before your Lordships by my noble and learned Friend. I have no reason to believe that there are any sound objections to such a Bill, but there was an objection to the circumstances under which mine was introduced. I know it generally happens that some particular case of this sort shows the defect and the abuse, and demands that the remedy should be applied—it was the case of Jaques which produced the Habeas Corpus Act; and Mr. Justice Blackstone, in his "Commentaries," says, that if we examine the history of our country, we shall find, that it is some case of hardship or oppression—I do not mean to say that there was any oppression in this case; I do not wish to excite any unpleasant feelings in any quarter,—but Mr. Justice Blackstone says that it is not till some case of hardship or oppression occurs that the defects of the law are discovered, and the proper remedy applied. It must be a just reflection of the necessity of the case, which induces my noble and learned Friend to introduce this Bill; but I must tell your Lordships how the Bill introduced by me last Session was received by my noble and learned Friend. He was not contented with his objection to the particular occasion on which it was introduced, but he strenuously opposed the whole Bill; he objected not merely to the principle of the Bill, but also to all its details. After pointing out his objection to the principle of the measure, my noble and learned Friend asked—"But, after all, what is the principle of this Bill?"—the very Bill now brought in by the Lord Chancellor himself. "What a miserable little specimen of legislation it is when we come to consider it." This little miserable specimen is now produced by the Lord Chancellor of England. He then goes on to say—"In the first place, it is a law for the rich, and not for the poor." That is my noble and learned Friend's objection—for it will not be made by your Lordships—to the Bill which he now proposes. My noble and learned Friend then added, "Does it not recall forcibly the saying of the sage, that 'laws are like cobwebs;' the small flies are caught, but the big ones break through and escape?'" My noble and learned Friend then proceeds to say, with great force, that if the Bill passed, the law would be extremely injurious in a large class of offences of the worst description, by enabling the party to escape, particularly with respect to infamous offences, where the offender would escape and the law would be defeated. My noble and learned Friend said those infamous offenders would escape,—"whether the judgment be confirmed or reversed, they equally set the law at defiance." And then the noble and learned Lord summed up by saying, "Such are the consequences of this measure," which the noble and learned Lord now asks your Lordships at once to enact. Then there was another point on which my Bill was objected to. "Why do you not include felonies?" asked my noble and learned Friend; and he then went into a long enumeration of felonies, and showed that if bail were to be allowed in cases of misdemeanour, it ought to be in some cases of felony. When, therefore, I saw the Bill brought in by the Lord Chancellor himself, I thought, at least, that there would be an additional clause, extending its operation to the felonies he had enumerated, such as killing deer and cutting trees; I thought that at all events it would be extended to these offences; but the Bill which the noble and learned Lord has brought forward does not include a single felony; it is confined wholly to misdemeanours. It may be, my Lords, that notwithstanding this opinion, my noble and learned Friend has seen a new light, that he extols now what before he reprobated with so much severity. I only hope, my Lords, that upon some future occasion, if I do bring in a Bill, and if my noble and learned Friend attacks it with all his ingenuity and force, that your Lordships will not decide conclusively that my Bill ought to be rejected, because my noble and learned Friend opposes it—remembering that the next revolving Session may hear him say, as he says to-night, how marvellous it is that in the middle of the nineteenth century, in the eighth year of the reign of Her Majesty Queen Victoria, and after so many eminent lawyers have sat in both Houses of Parliament, the law should have been allowed so long to remain in its present state. I hope that hereafter your Lordships will treat me with some forbearance; and that you will not take the word of my noble and learned Friend, that the measure I may propose is fraught with such mischief, and is so contrary to reason and principle, that it ought not to be adopted, because your Lordships may afterwards find a renewal by my noble and learned Friend of that very Bill, and a strong recommendation of it as a great improvement in the institutions of the country.

The *Lord Chancellor:* I must say, my Lords, that my noble and learned Friend has made a very singular return for the favour I have bestowed upon his proposal. Certainly, he has made a most ungrateful return for a kind action. In the early part of the present Session, my noble Friend stated his wish to re-introduce his Bill, but asked me if I would bring in a measure, knowing that if I adopted it there would be a better chance of its success. I immediately assented to his suggestion. I adopted the noble Lord's bantling; and in introducing it to your Lordships' House I did not think it proper, as it resembled so much its parent, to mutilate it—I made only a slight alteration in its dress; but that does not prevent me from making in Committee such alteration as the case may seem to require. I must recall to your Lordships' recollection the grounds on which I opposed the Bill of last year. I thought that Bill was introduced to meet a particular case; that it was introduced with a political view and with a political object, and what the noble and learned Lord has stated in the present instance has confirmed that opinion, because he has stated the name of the Gentleman who brought up the Bill, a Member of the other House of Parliament — Mr. More O'Ferrall, who canvassed the Members of both Houses in its support. This has confirmed the conclusion I then drew, that the Bill was introduced last year with a political view, and that it was directed to meet a particular case, which was the main ground why I then opposed the Bill. I also opposed the Bill, because I did not think it sufficiently extensive. I have since turned my attention more closely to that part of the question, and I have seen reason to convince me why the Bill should not be extended to cases of felony; but I am not sure with respect to particular offences that there may not be an objection to this Bill on the same grounds as the objection to its extension to cases of felony, on account of the gravity of the charge, and the inducements to fly from justice. I only now propose, my Lords, to read this Bill a second time. I adopted it at the suggestion and request of my noble and learned Friend, and I must say that I think it is very ungrateful of him to make me such a return as he has done.

The Marquess of *Lansdowne:* The Bill of the noble and learned Lord on the Woolsack has my approbation in as great a degree as that accorded to it by my noble and learned Friend (Lord Campbell). I did venture to say, on the first day of the Session, in adverting to the state of Ireland, and to the circumstances which recently arose in that country, that after what had passed in this House—and what I maintained then I shall repeat now—fortunately passed for the vindication of the character of this House, the time was at last arrived when my noble and learned Friend might with advantage again produce the Bill tendered to their Lordships in a former Session; and I hesitated not to call on my noble and learned Friend, in the exercise of a public duty, to propose such a Bill. But the result of that call has far exceeded my utmost expectations, because I ventured to appeal to my noble and learned Friend, knowing what his sentiments were; but I should have thought it an offence to call on the noble and learned Lord on the Woolsack to introduce such a measure, when I knew his sentiments were recorded as directly opposed to it. But as I have said, the noble and learned Lord has surpassed my expectations, and introduced a Bill not founded on the objections which he before urged so strenuously, but on the statements of my noble and learned Friend. One of those objections of the noble and learned Lord was, that the Bill was introduced with a political object. Now, my Lords, I must take this opportunity of saying, that an act of justice cannot with fairness be relinquished, because the objection is raised to it, that it has a political object. I see no reason whatever why a Bill which would have the effect of doing an act of justice to an individual, be he whom he may, should not be received by your Lordships, because it is liable to the objection that its framers have a political object. I should be much more inclined to say, that the opposition to such a Bill proceeded from a political purpose. If it be an act of justice that such a measure should pass (and the noble and learned Lord has given most convincing proofs that it is), then no such interpretation of the motives of its proposers as that alluded to should be allowed to stand in the way of its progress. I think, circumstances in the recent history of this country must have satisfied your Lordships of the inexpediency of debarring particular individuals from a right which they might fairly claim; and I am satisfied that the experience of that unjust exclusion will not encourage your Lordships to repeat such an attempt, but that the law will in future be administered to all on the same broad and general principles. To those principles your Lordships are now disposed to assent. It does not require the eloquence of the noble and learned Lord to show that it is most unjust to punish a man until he knows whether his sentence be well founded. It is at all events a fortunate consequence of the occurrences of last year, that there will be inserted in the Statute Book a redress which every individual, be he Englishman or Irishman, be his conduct, sentiments, and situation what they may, is equally entitled to. I hope this Bill will receive the unanimous assent of the House.

Lord *Brougham* entirely agreed in the observations of his noble Friend. It was well known that the measure before their Lordships had been put into his hands in the course of the last Session; but, being obliged to go abroad, he had referred it to his noble and learned Friend on the Woolsack, whose observation to him was, that it was a very awkward moment to bring forward such a Bill, and for the very obvious reasons that were then apparent. He entirely agreed with the general observation of his noble Friend (the Marquess of Lansdowne) that the particular circumstances which then existed offered no reason why justice should not be done to persons charged with political offences. But there was another reason against such a Bill being proceeded in then, which his noble Friend had overlooked, namely, that it was obviously inexpedient to legislate on a political case whilst that case was still pending before their Lordships; and his noble and learned Friend on the Woolsack would recollect that he had then observed that the Bill of the noble and learned Lord (Lord Campbell) was expressly framed to meet the particular case then pending. He (Lord Brougham) had observed to his noble and learned Friend that he thought he was mistaken, and that the Bill came from the opposite party to the traversers. He appealed to his noble and learned Friend on the Woolsack as to the facts which he stated.

The *Lord Chancellor:* I stated to my noble and learned Friend my belief that the Bill had proceeded from the traversers.

Lord *Brougham:* My noble and learned Friend expressly termed it an "O'Connell Bill," meaning to convey by that expression that it emanated from the friends of that Gentleman: and he (Lord Brougham) had asserted it to come from the prosecutors; had said, in fact, that it was what might be called a "Smith Bill," as coming from the prosecutor, the Attorney General for Ireland. He had subsequently found that such was not the case, and that his noble and learned Friend had assigned a correct origin to the Bill; but that was the objection then stated, and, as far as the circumstances went, it was a good objection. He (Lord Brougham) had a recollection of the general objections stated by his noble and learned Friend, but he did not think he had gone so much into the details as his noble and learned Friend near him had shown was done. But, notwithstanding the undeniable principles on which the Bill was founded, there were cases in which bail in error would be highly objectionable. It might afford an opportunity to parties to escape from the consequences of a misdemeanour, provided they were rich enough to be able to sacrifice the amount of their bail. Means ought, therefore, to be taken to prevent such a misapplication of the proposed law as this would be. As the measure was at present framed the Attorney General must give his fiat to prosecute the writ in error, and if he did not do so then bail would not be allowed. But many persons would, he doubted, object to lodge such a power in the hands of a functionary like the Attorney General. Such a power must be lodged somewhere. It might either be given to the public prosecutor, the Crown, or the Judge who tried the cause. There was an objection to give it to the Crown, and therefore the alternative rested between the public prosecutor and the Judge who tried the indictment. No such machinery as that to which he referred was to be found in the

Equity Courts. He had not made up his mind on the subject, but he was of opinion that the Judges would be unwilling to exercise so invidious a power as that to which he referred. He merely said this by way of drawing attention to the subject. He should apply his mind to its consideration before the Bill passed through the Committee. In the meantime, he entirely concurred in it, notwithstanding he did not think any hardship had been inflicted on the traversers who had lately appeared before their Lordships, for he thought that they had only taken that course which would have been adopted towards any individuals whatsoever who had come before them under similar circumstances.

Lord *Denman* heartily agreed in the propriety of the measure, and hoped it would pass into a law. At the same time, he must express his hope and expectation that its provisions would very rarely be called into operation. His own belief was, that writs of error in criminal cases ought to be of very rare occurrence; as indictments should be so framed as to afford no proper grounds for granting a writ of error. It had only become common since indictments had assumed such a length, and had been so widely and so loosely framed; and he must express his opinion that it was a real scandal and an oppression that writs of error should ever be necessary upon such grounds. In the case which had been referred to, the indictment was so vague—its accusations were so general—the counts were even clothed in phraseology so unlike the language of the law, that some of them were undoubtedly not to be sustained; and the result in their Lordships' House was inevitable—namely, the setting aside of the whole proceeding. And in regard to such offences as were included under the term "political," their Lordships were aware that the accumulation of charges often rendered it extremely difficult for the accused to understand what he had to meet. He certainly considered it as an objection to allowing bail in error in cases of misdemeanour, that offences which called for the infliction of prompt punishment upon men who had been found guilty, might remain unpunished till the wholesome effect of the sentence would be lost; or might, through the dexterous application of money, evade punishment altogether. Hence, he apprehended that the best way of putting a stop to the evils aimed at by this Bill, would be to revert in all cases to the ancient simplicity which had prevailed in framing indictments. Though the present Bill would, as he hoped, come rarely into operation, its principle was just, and might be usefully applied. He understood last Session that something more comprehensive was designed; and it hardly seemed fit to legislate on error in criminal cases without considering whether the Attorney General's power of withholding his fiat ought to continue. He did not, however, fear any abuse of that power; and approving the proposal generally, he offered his thanks to his noble and learned Friend who suggested it last year, and to his noble and learned Friend on the Woolsack, who now brought it forward with the advantages arising from his position. He had heard his noble and learned Friend with great satisfaction, when he spoke on this question on the general grounds of legislative reform. It was true that indefensible practices have existed, and have been tolerated, because they were overlooked till the discovery of an abuse brought them to light, or some accident forces public attention upon them, and a legislative remedy is found to be indispensable. He could enumerate many examples of this course of proceeding; and many where it would still be most desirable. One of pre-eminent importance he could not refrain from adverting to—the present practice of opening letters at the Post Office. A Bill had been introduced by a noble Friend of his (the Earl of Radnor) for placing it on a reasonable footing; their Lordships had hardly deigned to give it a moment's consideration; yet, encouraged by the precedent before the House, he did not despair of seeing it adopted by the Government itself, at no distant period.

The *Lord Chancellor* observed that the noble and learned Lord (Lord Campbell) had been so conscious that the ground upon which he (the Lord Chancellor) had opposed the Bill last year was a weighty one, as to state to their Lordships in the course of his address, that he had not brought it forward with a view to any particular proceedings that were then going on.

Lord *Brougham* expressed a hope that the next time his noble and learned Friend on the Woolsack brought forward a measure he would avoid the trap that had been so adroitly set for him by the noble and learned Lord (Lord Campbell) on the first day of the Session, in which he had undoubtedly been caught.

Lord *Campbell* said, there was so much

sympathy shown by his two noble and learned Friends for each other, and one was always so ready to start up and defend the other, when any observation was passed upon either, that he could only compare them to the Siamese twins. But as to the objections that had been brought by his noble and learned Friend near him (Lord Brougham) with respect to the evasion of punishment for misdemeanours under the operation of the Bill, he must, in order to prevent any misapprehension getting abroad on that point, state that the provisions of the measure could not be abused in the way described, for the execution of a sentence under such a conviction could not be suspended until the fiat of the Attorney General had been previously obtained; for a Writ of Error could not be executed until that fiat was granted, and an indictment for an offence coming within the description of misdemeanour was much too simple to afford ground for a Writ of Error.

Bill read 2^{a}.

House adjourned.

HOUSE OF COMMONS,

Friday, *February* 28, 1845.

Minutes.] New Members sworn.—For Thetford, Hon. William Bingham Baring.—For the County of Buckingham, Christopher Tower, Esq.

Bills. *Public.*—*Reported.*—Companies' Clauses Consolidation (Scotland).

Private.—1°· Manchester, Bury, and Rosendale Railway (Heywood Branch); York and North Midland Railway (Bridlington Branch); Britten's Divorce.

Petitions Presented. By Mr. G. Hamilton (7) and Mr. Shaw (6) from Ireland, for Encouragement to the Church Education Society.—By Viscount Ossulston, from Wooler, against Renewal of Property Tax Act.—By Sir R. Heron, from Peterborough, and Mr. Dickinson, from Somerset, for Alteration of Medical Practice Bill.—By Mr. Wilshere, from Hitchin, against Increase of Navy.—By Mr. M. Gibson, from L. Mariotti, respecting Opening Letters at the Post Office.—By Captain Pechell, from Brighton, for Post Office Inquiry.—By several hon. Members (5) for Diminishing Public Houses.—By Sir J. Mordaunt, from Canal Proprietors, for regulating Railway Charges.—By Sir W. Clay, from Southwark (4) for Redemption of Tolls of Metropolitan Bridges.—By Mr. Astell, from the East India Company, against Discriminating Duties on Sugar.—By Mr. Macaulay, from Edinburgh, for Abolition of same.—By Mr. Blake, from Kilmeen, for Repeal of Charitable Bequests Act.—By Mr. Saunders Davies, from Carmarthenshire, in favour of County Courts Bill.—By Sir James Graham, from Bristol, for Alteration of Health of Towns Bill.

The Irish Members.] Mr. *E. B. Roche* said, that he had a question to ask of the hon. and learned Member for Bath, for the purpose of asking which he had come expressly from Ireland. As this was a question referring to a matter in which he felt that his character as a Member of that House, and as a gentleman, was concerned, he trusted he was not asking too much of the House in begging to be allowed to make a few preliminary remarks by way of explanation of the grounds on which he asked it. A very short time since, he saw with considerable astonishment a speech attributed to the hon. Gentleman in the *Times* newspaper.

Mr. *Speaker* said, that the hon. Member was irregular in referring to a newspaper for what was said in that House in a previous debate.

Mr. *Roche:* Well, then, I heard of a speech which has been attributed to the hon. and learned Gentleman, in which I find the following words, in alluding to a large body of the Irish Members:—"They have run away from their posts."

Mr. *Speaker:* It is quite evident, from the hon. Gentleman's observations, that he is referring to a speech made by the hon. and learned Member for Bath in a former debate; and I must inform the hon. Member that it is quite irregular for any hon. Gentlemen to allude to a previous debate.

Mr. *Roche:* I may be permitted at any rate to ask this question. Certain observations, I understand, were made—supposing that they were made—

Mr. *Speaker* said, he was sure the House would feel that it was quite impossible that the hon. Member could be allowed to refer to any words spoken by another hon. Member in a previous debate.

The question was then put, that the Order of the Day for the Committee of Ways and Means be read.

Opening Letters at the Post Office.] Mr. *Thomas Duncombe* said: I very much regret that the little progress which was made in public business on Tuesday last, deprived me of the opportunity of bringing forward the Motion of which I had given notice, that certain officers belonging to Her Majesty's Post Office should attend the House, for the purpose of informing it under what authority they had been parties to the detaining, delaying, or opening any post letters of myself, who was a Member of this House. I repeat my regret, that I was prevented from calling the attention of the House, on a former evening, to a very painful, but at the same time important subject, and one which has already occupied too much of the time of the House; but whatever blame may attach to others for the time it has occupied, no such blame can lie at my door. Not being able to bring the question forward the other evening, I think, after what has since occurred, I have no alternative but to take the earliest opportunity of setting myself right, and of putting the question fairly before the public. What has occurred? I am told, in the first place, that I have no evidence, and that I have offered no evidence, that my correspondence has been intercepted at the Post Office; and then it is said that if I was in possession of any information which enabled me to prove the fact by the evidence of the servants of the Post Office, I must have obtained that information by corrupting the officers of that establishment. It was stated also by the noble Lord the Member for Newark (Lord John Manners), for whom I entertain very great respect, that if what I had stated was true, I sat in this House as a degraded man. Another hon. Member—the Member for the University of Oxford—(Sir R. H. Inglis), for whom I entertain a great deal of respect, and I am sure he is a Gentleman who never states that which he does not mean or think, stated that no innocent man would complain of having his letters opened at the Post Office. That may be a matter of taste, generally speaking; but what did the observation of the hon. Member imply? It implied that I was guilty of that offence which could alone authorise the Secretary of State to open any man's letters. The Secretary of State has no right, in ordinary and peaceable times, to violate the letters of others; and if this power has at any time been given to the Government, the only excuse for its exercise must be that it should be used only at a time of great internal danger, or of expected danger from invasion by a foreign foe. Well, then, what is the inference to be drawn when it is said, that no innocent man would complain of his letters being opened by the Post Office? I am ready, if the House will grant me the opportunity (and notwithstanding the specimen I have had of its disposition, I am not prepared to think they will deny me the right), to prove that I am not that guilty man which I am suspected to be, and that I shall remove, if you give me the investigation I seek, all the imputations which have been cast upon me. I have already disclaimed all personal hostility towards any hon. Gentlemen on the opposite Benches; and I make that disclaimer again. Whatever responsibility and whatever odium may attach to Her Majesty's Government, for the system of which I complain, I hold no individual Member of that Government more immediately responsible than the rest; I consider the whole of Her Majesty's Government equally responsible. I am obliged to address myself to the right hon. Baronet the Secretary of State for the Home Department because if any person issued a warrant for the opening of my letters, he must have been the person who issued it. If a warrant has been issued, I will not believe that it was done with the knowledge or sanction of the right hon. Gentleman at the head of Her Majesty's Ministers. I do not now believe that the right hon. Gentleman the Chancellor of the Exchequer knew anything about it; I do not believe the right hon. Gentleman was consulted as to whether any of my letters should be opened or not. I do not think that so good natured and kind a man would have permitted it, had the matter been made known to him. But whatever offence my observations may give to that Bench, the whole of the Ministry must share it amongst them. Now what has occurred? When I presented to this House Mr. Mazzini's petition, I certainly knew nothing at all of my letters having been opened. But as far as I am concerned, all the truth shall now be known. I never could have suspected that the Government could have committed so base and mean an act as that of opening my letters. I presented that petition on the 14th of June. I have said thus much in answer to the hon. Member for Pontefract (Mr. Milnes), because that hon. Gentleman said that I must have known, when I presented Mr. Mazzini's petition, whether my own letters had been opened or not. On the 24th of June I presented the petition of Mr. Stolzman, and I knew nothing even then, and did not suspect that my letters had been stopped. On the 2nd of July I had some communication with Mr. Mazzini, who informed me, that in the interim, he had heard that this subject was made a matter of general conversation at the Post Office among the clerks, the sorters, and the sub-sorters; and that they had observed to him (Mr. Mazzini),—"What is the use of Mr. Duncombe's bothering himself about opening the letters of foreigners; he had much better look after the villany that has been perpetrated towards his own." And I shall be able to prove this if you will allow me the opportunity of a Committee. Certainly, upon hearing this, I pricked up my ears a little. "Halloo!" said I, "what does this mean?" I then said to Mr. Mazzini, "Can you produce to me any person who has heard this conversation at the Post Office?" He said, "Yes, I think I can; but (said he) I think the best thing you can do is to make a Motion in the House of Commons for a Committee, to inquire into the working of what is called the Inner, or Secret Office, of the Post Office." I accordingly gave notice of a Motion of that sort, and said that if I could only get a Committee of Inquiry, that I would ascertain the names of the parties, notorious in the Post Office, who did the dirty duties of that Office; that I would call them before the Committee, and have the whole thing out. Well, as I said before, I gave notice that I should seek for an inquiry into this Secret Office, and into the nature of the duties of those persons who were employed in it, with a view to ascertain upon what authority they acted. Well, how was that met? I had said, in introducing that Motion, that the question was no longer between M. Mazzini and the Government—that it was no longer between me and the right hon. Baronet; but it was a question between the people of England and Her Majesty's Ministers, and that the people wished to know whether their letters were the property of the Secretary of State or not. The right hon. Baronet then said that he agreed with me that the question had gone so far that it could not stop there—that it was a question between the Government and the people of England—and that it was quite right that the people of England should be satisfied on the point. How did the right hon. Gentleman propose to satisfy them? Instead of adopting the proposal made by me, he moved an Amendment that a Secret Committee should be appointed. The right hon. Gentleman named that Committee—he named his own jury —reserving to himself at the same time the right of appeal from the decision of that tribunal, and of course I reserved to myself equally the right of appeal; and in exercise of that right, called the attention of the House as early as I could during the present Session, the Report being presented late in the last Session, to what I considered the unsatisfactory and evasive character of that Report. In doing so I have subjected myself to a number of insinuations, which are neither proper nor satisfactory. Amongst those insinuations the hon. Member for Pontefract has told me that my name has been associated with persons who have been under the sentence of the law. I asked the hon. Member to name them, and he mentioned Mr. Lovett. Well, what was the case of Mr. Lovett? I certainly took up his cause, and the consequence was, that during the incarceration of Messrs. Lovett and Collins, at Warwick, their treatment was modified, and, instead of being treated as felons, they were treated as political prisoners ought to be treated. But would any one say that that was a justification of the Government opening my letters? Before that time I had never heard of Messrs. Lovett and Collins. Then the hon. and learned Member for Bute (Mr. J. S. Wortley) stated that in 1840 I had been in correspondence with certain persons who threatened to burn the town of Sheffield. The hon. and learned Gentleman defended those individuals on their trial. He was their counsel, and he defended them with so much ability that they got four years' incarceration in the House of Correction. Was there any proof that I had any connexion with those individuals? I never heard of their names, nor had I ever held the slightest correspondence with them. But if I had, would that have been a ground for opening my letters? The first time I ever became connected with the Chartist party was in 1841, just previous to the general election, when I presented a petition for them, praying for an amnesty to all political prisoners, and signed by 1,700,000 individuals. These political prisoners had been imprisoned for political offences committed during the period that my noble Friend was in office. In the year 1841, in the month of June or July, I moved an humble Address to Her Majesty, praying that Her Majesty would be graciously pleased to order the case of those prisoners to be taken into consideration with a view to their release. Well, what was the result? The House was equally divided upon the Motion, and upon the casting vote of the Speaker that Address was rejected. Was that any reason why my letters should be opened? Then, again, in the year 1842, in the month of May, I presented a petition upon the national condition, signed by 3,300,000 members of the working classes. There were great differences of opinion as to the truth of the allegations contained in that petition; many said that the expressions contained in it were foolish and indiscreet, and that it stated grievances which could not be proved. Perhaps so; but what did they ask? Only that they might be heard at the bar of this House; but that prayer was rejected. No doubt that petition connected me with a great portion of the working classes. Next, in the year 1842, an outbreak and strike took place in the Potteries of Staffordshire; and the opinion expressed upon that occasion by the right hon. Baronet the Secretary for the Home Department was, that he thought the apprehensions of the parties living in the neighbourhood had been very much exaggerated, and that there was nothing whatever political in the outbreak. Now, I apprehend that my letters were opened upon political grounds, and in connexion with supposed political offenders. I assume that such was the case. Well, in 1842 the manufacturing districts were in a frightfully disturbed state; but at that time the conduct of the working classes was extremely creditable to them. For three days it had been stated that Manchester was in possession of what was called the mob; but, notwithstanding that, such was the respect and regard of the people for private property, that not even one pane of glass was broken. They showed a regard for property. Therefore there could have been no reason for opening my letters at that period. Yet it is at that period, as well as before and subsequent to it, that I charge the Government with opening my letters. I have been looking over the letters which I received at that time, but there is no letter of a treasonable character amongst them, so that if any such were sent to me at that time, the right hon. Baronet must have kept it to himself. Amongst the letters of a "suspicious looking character" that I then received, I found one which certainly appeared as if, to use the technical phrase, it had been "operated upon;" and, if closely examined, I believe there can be no doubt that it has been "operated upon." This letter came from a person who, I believe, does not stand very high in the estimation of the right hon. Gentleman—it is from Mr. Feargus O'Connor. It was written during the Nottingham election, in 1842, when Mr. Sturge was a candidate for that borough. In consequence of what had occurred in this House, in reference to Mr. Walter and Sir George Larpent, this treasonable letter was addressed to me, and I will now read it to the House:—

"*Nottingham, Tuesday.*

"My dear Sir—Mindful of your great services, I snatch a moment from excitement to enclose you a taste of what we are doing. I never saw a greater scene of moral excitement; and, had the Whig compact been acted upon, Nottingham for evermore would have returned Tory Members, but now I hope to banish the genus for ever. I have discovered that the Tory leaders took a number of paid men to South Derbyshire to personate not dead, but living voters, with a view of being beforehand with the real Simon Pures. I have names and all for you—amount paid—who voted. I have just returned from a village, four miles distant, with forty votes, all right; am off to another, at the other side, to make it all right; and then back to the market-place, for half-past eight, to make that all right. Read the enclosed — it is worth 10,000*l*. This letter, though short, should be prized; as I should write many on business, but have not time.

"Yours very faithfully,
"FEARGUS O'CONNOR.

"P.S. Tell Hobhouse that should we be beat by the contractor's neutrality he need never again show his nose in Nottingham."

This is the sort of correspondence which I received during the whole of that period of excitement; and, except in the period of 1842, I never received any communication from Mr. Feargus O'Connor. Therefore I should be glad to know upon what grounds my letters have been opened. If I can prove that my letters have been opened by the servants of the Post Office, they, of course, will produce their authority for such an interception of my letters; and if that authority is produced, then will arise the serious question whether there were any justifiable grounds for the Government opening my letters. If it should appear that any parties have opened my letters without any authority from the Secretary, then I have no doubt whatever that they have been guilty of the breach of privilege. But I did not on a former occasion, nor do I now, wish to raise the question of a breach of privilege. That question you will of course discuss and decide when you hear all the evidence. You will then be able to judge whether there has been a breach of privilege or not. But if my letters have been opened by your servant at the Post Office, I then have no doubt that a breach of privilege has been committed in my person. What is the state of the question with regard to the breach of privilege? I am surprised that the Secret Committee, which gave itself so much trouble to inquire into the historical records, and make such antiquarian researches respecting the power of Government to inspect letters, should not have discovered that in 1769 there was a complaint made to the House that a letter of Mr. Thompson, which had his name upon it, had been seized by Colonel Copley, at the Post Office at Hull, and opened. The complaint was examined into at the Bar of the House, and upon hearing evidence the House on the 14th of August, 1689, resolved,—

> "That the seizing of the mail, and breaking open the post-letters, by any military officer or soldier, is a violation of the right of the subject; and also that the breaking open the letters directed to or sent from a Member is a breach of privilege of this House."

In 1735, in a Resolution of this House, it was stated that it was a breach of the privileges of this House to inspect or look into any letters directed and addressed to the Members of the House. In 1822, a question of a similar sort was brought under the consideration of the House by my hon. Friend the Member for Cumberland. What was his case? He had directed a letter to a person in Lancaster gaol, and that letter had been opened by the gaoler. It was moved by my hon. Friend that that was a breach of the privileges of the House. I must say, on looking over that debate, I do not think my hon. Friend made out a case of breach of privilege; because it is quite clear that by Act of Parliament all letters coming to or going from a gaol might be opened by the governor of the gaol, the Act giving a power to the visiting magistrates to make such regulations for prisons as they should deem fit; those regulations to be confirmed by the Judges at the Assizes. But nevertheless my hon. Friend moved that this was a breach of privilege. The Motion was supported by Mr. (now Lord) Brougham, Mr. (now Lord) Denman, and by the noble Lord the Member for the City of London (Lord John Russell.) All these authorities voted that the opening of this letter was a breach of privilege. I do not know whether Sir James Mackintosh took any part in the debate; but this is quite clear, that whatever doubt might have been entertained as to the question brought forward by my hon. Friend, all who took part in that discussion—both those who supported and those who opposed the Motion—among the latter of whom was the right hon. Baronet opposite (Sir Robert Peel), admitted that if the violation of my hon. Friend's correspondence had taken place at the Post Office, it would have been a gross breach of the privileges of the House, and one which would require instantaneous redress. Well, what is my case? I am ready to prove to you that your subordinates in the Post Office in the first instance have intercepted my correspondence; and secondly, that they have done so under the authority and command of their superior officers. I propose to bring those subordinate individuals to the Bar of this House, and they will tell you who gave them their orders. I will then call those superior officers to the Bar, and ascertain from them who gave them their orders. Thus we shall get at the whole truth of the matter. Now, I want to know whether Her Majesty's Government are going to shrink from this investigation? You have again and again been asked by the right hon. Gentleman at the head of Her Majesty's Government, whether you are prepared to depart from the maxims of your ancestors—whether you will change a practice which has prevailed for upwards of a century? Now, it is more than a century ago since the resolution was passed in the case of the stoppage of letters at the Post Office at Hull. I cannot, therefore, understand the challenge of the right hon. Gentleman, nor can I believe that I shall be refused the opportunity of having my case fully and fairly investigated. I will have the parties at the Bar of the House; they will tell you whether I have used any underhand or corrupt means for obtaining the information I possess. I will pledge myself that the only parties I will summon shall be the parties from whom that information has been derived. I have received no information from discarded servants. All of them have come foward voluntarily to me—men who are even now in your own service. It has been made a reproach to me that I ought not to have received such information. What! if a man comes and tells me that he has been employed by another to pick my pocket, am I to turn round upon him and say—"I cannot listen to you. You are committing a breach of confidence with the party who has employed you in this nefarious deed?" When Mr. Mazzini produced to me evidence that these persons really spoke the truth, was it for me to reject that evidence because they happened to belong to the establishment where this iniquitous system had taken place? I am happy to say, and I think it is but fair to the Post Office establishment to say, that there are parties ready to come forward and tell you and the Government that they are disgusted, and have been a long time disgusted, and have felt themselves degraded at being compelled to be parties to so much villany. Will you, then, I ask, grant me the opportunity of establishing these things by their testimony? I know the odds I have to contend against, I know the majority that is ever ready to come down at the beck of the right hon. Gentleman, and oppose an individual who is unprotected—a majority of 300 Members, who are even willing to stultify themselves, if by so doing they can crush a political opponent. I hear now and then of the country gentlemen. They are for ever boasting of their independence. Yes, they boast of their independence at their agricultural dinners and at their village pot-houses. We know also that there are individuals lounging about our clubs here in London who talk big of their independence. But at the very time that these gentlemen are boasting of their independence, and when our ears are ringing with what I must say the most unjust, unfounded, and unwarrantable personal abuse of the right hon. Gentleman, Sir R. Peel—yes, personal abuse—I myself have heard it; I say that we hear that personal abuse of the right hon. Gentleman going on to-day, and yet on the following day we see the same individuals receiving emoluments and places at the hands of that very man. Though an humble individual—but, at the same time, as an independent Member of Parliament—I do, if there is anything like independence in this House, call upon you, as Gentlemen and as men of honour—for, though it is my case to-day, it may be any of yours to-morrow—I do call upon you to allow me to prove that which I have this night asserted. If you do not, then suffer not the Secretary at War, or those Gentlemen who cheered his sentiments the other evening, to say that it is I who am afraid to elicit the truth—don't any one insinuate that I have made use of any sneaking, underhand, indirect, or dishonourable means for obtaining the information I possess. That information I propose to call to your Bar. Sift it if you please; but let all the odium of cowardice, as shrinking from an investigation, fall upon those who shall oppose it. There are several parties I wish to call to the Bar of the House. I believe it is necessary that I should move to call them separately. I, therefore, now move, Sir,—

"That Lieutenant-Colonel William Leader Maberly, Secretary of the General Post Office, do attend this House upon Monday next, and that he do bring with him a certain book of and belonging to the Post Office department for the year 1842, called the 'President's Order Book,' and also a certain other book belonging to the said department for the year 1842, called the 'Inspector's Order Book.'"

Mr. *Disraeli:* Sir, the hon. Member for Finsbury has brought before the House his proposition in an intelligible shape. He has laid before the House the statement of a personal grievance, and he has distinctly affirmed to us that in making that statement he makes no personal attack upon any individual. Sir, I should have hardly thought that it was necessary to make that declaration, had it not been for the associations connected with this Motion, which perhaps originated in other debates to which I myself mean not to refer. If the case of the last General warrant that was issued by a Secretary of State be compared with the last Post Office warrant that was issued by a Secretary of State, I think we may clearly in the parallel discover that no personal imputation need be appealed to, in order to vindicate a public right. Sir, there is not the slightest doubt that the last general warrant issued by a Secretary of State was an act of tyranny, an act of oppression, an act essentially iniquitous; but no one pretends that the Secretary of State who issued that general warrant was a tyrant, an oppressor, a man eminently unjust. On the contrary, Lord Halifax was a very good sort of man. Society under these circumstances steps in and settles the rule which decides these questions. It acknowledges that usage is the moral vindication of the Minister; but while it frees the Minister from any personal stigma, it does not emancipate him from the consequence of an illegal act. That is the question which now engages the attention of the House and interests the nation. We are not to seek what may be the cause that has brought it forward. I give the hon. Gentlemen who has brought it forward credit for the same purity of motive as the Minister appealed to; and I must say I was much surprised that a Minister of the Crown should ever have risen in this House and said that the question was only prompted by personal motives. Sir, it was only in answer to such an imputation that I ever myself stated that no personal feeling in this respect could influence me, and made one of those disclaimers which are generally disagreeable and inconvenient, but which, after all, are only addressed to the individual concerned. I am myself perfectly satisfied that whatever ebullition of feeling came from another quarter the person in question did not misconceive my motive. The hon. Gentleman the Member for Finsbury has placed the case neatly and completely before us. He says, "If my letters have been stopped and opened by the Government, the officers of the Crown and Post Office have committed a breach of privilege, unless they have done so upon the warrant of a Minister." If they have done so, let them produce the warrant; he will then be in a position to appeal to the House and the country for a vindication of his character, or to the Courts of Law, to decide whether that warrant is a legal instrument or not. Sir, I am at a loss to comprehend what answer can be given to that direct appeal. This is the view naturally taken by the hon. Gentleman in his individual case. He feels the individual grievance—he naturally looks to the individual remedy. All that he wants is the warrant. All that he wants is an opportunity of vindicating his innocence, or allowing others to prove his guilt. I believe that the country requires more. I believe that the country is anxious that that warrant should be produced—not merely that it should vindicate the honour and conduct of the hon. Gentleman, or the reverse; but that an opportunity should be afforded to the subjects of the Queen to try whether that instrument is a legal one; and how is it possible for any person to have that opportunity unless the House interferes, as it is requested in the present instance? It is not asked to exercise its prerogative and privilege to vindicate any Gentleman who cannot vindicate himself by law. The situation of the hon. Gentleman is that which may be the situation of any Member of this House—of any subject of the Queen, to-morrow. It is exactly this—"Will you put me in a position worse than the meanest subject of the realm is placed in? Will you say that I have experienced a wrong, and that I have not a remedy?" Now, Sir, that is the question, I believe, in which the country is interested. That it is also interested in the question whether this power should be exercised under any circumstances, no one can doubt. Some Gentlemen may rise and say that this is a power that ought always to be at the disposition of Government; some may say that it is disgraceful to this country that foreign nations should know we exercise it; and others may rise and state that that can hardly be the case since every foreign nation does itself exercise it; but there is this distinction—though foreign nations always do exercise this power, foreign nations never believed that England did. It resolves itself into this question—are you content to be ruled by a popular government, or do you wish to be ruled by a government of police? No doubt a popular government has many inconveniences. No doubt it would be much better that the question of the Sugar Duties, for instance, should be settled without any loss of time. It is a great inconvenience to trade, as the right hon. Gentleman (Sir R. Peel) has often told us, that there should be any discussion on the subject. I don't doubt that if the question were settled by that right hon. Gentleman himself, in his Cabinet, it would be equally well, perhaps better. This is one of the inconveniences we endure for popular government, and so it is with reference to the correspondence of individuals. You have a popular government, you have a strong local system; you may, by not prying into the correspondence of individuals, be subjected to great calamities. You may have Bristol burnt, as Bristol was burnt; you may have Birmingham assailed, as you had it assailed—but the country strikes the balance. It agrees to suffer those great injuries for the sake of a popular government, instead of a government of police; and the country, after all, must decide it. Now, Sir, I believe that is the impartial view as regards the general question. As regards the country, though sympathising with the hon. Gentleman who presses the case of his individual wrong, they desire also an opportunity to decide whether this warrant of the Secretary of State is a legal warrant. They wish to have it decided as the question of general warrants was decided; and if it be a legal warrant, then it becomes an open question fit for discussion, whether such a power should be allowed in a free country to subsist. Sir, the hon. Gentleman who has introduced the question to-night seems, in some remarks he has made, to think that an impartial discussion of the question is impossible in this House. Certainly, when I recollect the last debate, to which I need not refer, I am not surprised, from the elaborate misconceptions of former debates, that the hon. Gentleman should fear this discussion would not be free. But I cannot believe, although the hon. Gentleman fears, that any intimidation is purposely enacted in this House; but there is not the slightest doubt, that on both occasions now before us, and upon others which have occurred within the last two or three years, there have been misunderstandings, founded on the misconceptions—perhaps mutual misconceptions—of the relations that subsist between the leaders of a party and the supporters of a party. Sir, I may allude to these circumstances, because the hon. Gentleman seems to think that on this occasion he is not secure of a fair discussion of this question; and because, unless there is a correct understanding on this head, I almost despair of his receiving that fair discussion. When the balanced state of parties ceased in this House, it must have been pretty evident to those who had any idea of the constituent elements of such an Assembly, that what we call party feeling, though for a short time from custom preserved, would eventually evaporate. There were very few, if any, party questions; and it was pretty clear, that in a popular Assembly, of more than 600 persons, questions would constantly arise in which Gentlemen, though sitting on different sides of the House, without compromising the elementary principles of their politics, would very often divide in the same lobby, and very often in discussions take the same side. An hon. Gentleman on the other side gets up and proposes a Motion which, at the first blush, does not seem to call in question any of the marked principles of either party—if two parties, indeed, still exist. Some Gentleman on this side thinks it a legitimate opportunity to express his opinions on the question—he happens to support the Motion—the Government barely attend to the debate—treat it, perhaps, with indifference or carelessness; the debate trails on—comes into a second night; certain circumstances occur, which portend a division, which I will not say might be embarrassing—that would be impossible—but disagreeable to the Government. Immediately this takes place, a certain system is brought into play, which may prevent, perhaps, that fair discussion the hon. Gentleman would seem to despair of, and which I can hardly believe can long be permitted to subsist in this House. Sir, it seems to me that the system is established on two principles, or rather processes—inuendo and imputation—the insinuation of base motive, and the allegation of factious conduct. Generally, it developes itself in this manner—there are some indications of irritability on the Treasury Bench, almost immediately followed by some impatience among the immediate adherents of the Government; and then, as I have observed in several debates, some Gentleman gets up—an avowed adherent, or perhaps a secret supporter of the Government—and instantly we have imputations of mean motives—of personal motives—I should say of corrupt motives—against every Gentleman who is perhaps speaking, or about to vote, in opposition to Government, although the question may not be one that involves any party principle, or any decided principle whatever—a mere matter of practice and detail. Now, Sir, in this state of affairs—probably at the end of the second or third night of debate—when a course so injurious has naturally produced acerbity in many quarters, perhaps expressions of that bitterness, the sincerity of which is not doubted, then, at the right moment, the right hon. Gentleman (Sir R. Peel) rises to cap the climax; and, probably, having just been assured by one of his aids-de-camp that he is secure of a greater majority than ever, he makes a passionate appeal to his supporters, as if the strong government were in the very throes of dissolution, and uses language which, in my opinion, is susceptible of only one interpretation—that some Gentlemen on this side of the House would, to embarrass Government, descend to political collusion and Parliamentary intrigue. Now, Sir, I protest against the system. The system is not founded in justice or fair play. It is not founded upon a real understanding of the principles on which party connexion should exist. It is, in fact, a system of tyranny; and as degrading to those who exercise it, as to those who endure it. I take a recent case, because fresh in our memory. When the hon. Gentleman (Mr. Duncombe) the other night called our attention to the instance of his grievance, he brought forward a Motion, which on the face of it every one must see would be opposed by the Government that exists, and the Government that preceded them. It was, therefore, taken out of the category of party questions. There was a general impression in the House that it was extremely desirable that the decision of the Committee should be supported. That impression was not peculiar to this side of the House. An hon. Gentleman the Member for Hull (Sir J. Hanmer), the independence of whose character is, I believe, universally acknowledged, who is certainly as incapable of political intrigue as any Gentleman in the House, spoke in the debate without concert or combination, forming his opinion merely on the statement of the hon. Member for Finsbury, and being himself particularly inclined to support the decision of the Committee; but he thought it was impossible that this individual instance of the hon. Member could be passed over. He expressed his opinion in a frank, manly manner. It so happened, as probably it will often happen in a popular assembly of this kind, that circumstances during the debate change to that degree that there was a chance of a division not embarrassing, but probably more disagreeable to the Government than they at first anticipated, if they condescended to think of a division in the first instance. Well, immediately all the powers of the System were put into action. The right hon. Gentleman was brought forward to sanction it by his great example. The division is called for. Gentlemen are brought up from the country to support an endangered Government that never was in peril, and again a great party triumph, when there was not a single party principle at stake, not a single party principle in danger. Now, Sir, I really think there ought to be a more liberal sense of party connexion than that which the Treasury Bench at this moment recognizes; and I think that the right hon. Gentleman at the head of the Government is the last Minister who should assume to be a political martinet. I can conceive a Minister in a position in which he requires devotion from his party—I can suppose a Minister having a very small majority—I can suppose he holds power merely in deference to the wishes of his party; he has a right to say to his supporters, "I have to fight a very difficult game; I would much rather give up power; still I hold on; but you must be ready at all times to support me with devotion." That is not the position of the right hon. Gentleman. His position is quite the reverse. He has a very large party to support him, and an Opposition before him which, though distinguished doubtless by very eminent talents, and numerically, far from contemptible, is not, nevertheless, distinguished for its power of cohesion. The right hon. Gentleman is in a position which really would allow him to be indulgent. It is very easy for him to turn round, and say, "What can be more treacherous than this—to be attacked on the right flank? I am prepared to meet the foe before me; no one ever saw me quail." The right hon. Gentleman forgets that the foe before never wished to fight him. He may sometimes be assailed on his right flank, but while he boasts of his courage and determination to conquer, the right hon. Gentleman forgets that the victory is very easy when nobody opposes him. There is another reason why he should not adopt this tone—he should not forget, after all, a great many of his supporters were elected on the hustings under very different circumstances to those under which they sit here. Really a little philosophical consideration from so great a statesman under such circumstances, is the least we might expect. I admit that I for one was sent here by my constituents to sit on this side. He may object to me, although I think he has no great occasion to object that I am sometimes in a different Lobby to himself; but I was sent to swell a Tory majority—to support a Tory Ministry. Whether a Tory Ministry exists or not I do not pretend to decide; but I am bound to believe that the Tory majority still remains, and therefore I do not think that it is the majority that should cross the House but only the Ministry. I hope that the right hon. Gentleman, on reflection, will take a more condescending and charitable view of our conduct than he has hitherto been pleased to do. I am sure myself I never misinterpret the conduct of the right hon. Gentleman. I know there are some who think that he is looking out for new allies. I never believed anything of the kind. The position of the right hon. Gentleman is clear and precise. I do not believe he is looking to any coalition, although many of my constituents do. The right hon. Gentleman has only exactly to remain where he is. The right hon. Gentleman caught the Whigs bathing, and walked away with their clothes. He has left them in the full enjoyment of their liberal position, and he is himself a strict conservative of their garments. I cannot conceive that the right hon. Gentleman will ever desert his party; they seem never to desert him. There never was a man yet who had less need to find new friends. I, therefore, hope all these rumours will cease. I look on the right hon. Gentleman as a man who has tamed the Shrew of liberalism by her own tactics. He is the political Petruchio, who has outbid you all. If we could only induce the right hon. Gentleman, therefore, to take a larger and more liberal view of his Parliamentary position than he seems to adopt in moments too testy for so great a man to indulge in, he would spare us some imputations which I assure him are really painful. If the right hon. Gentleman may find it sometimes convenient to reprove a supporter on his right flank, perhaps we deserve it—I, for one, am quite prepared to bow to the rod; but really, if the right hon. Gentleman, instead of having recourse to obloquy, would only stick to quotation, he may rely on it, it would be a safer weapon. It is one he always wields with the hand of a master; and when he does appeal to any authority, in prose or verse, he is sure to be successful, partly, because he seldom quotes a passage that has not previously received the meed of Parliamentary approbation, and partly and principally, because his quotations are so happy. The right hon. Gentleman knows what the introduction of a great name does in debate—how important is its effect, and occasionally how electrical. He never refers to any author who is not great, and sometimes who is not loved—Canning for example. That is a name never to be mentioned, I am sure, in the House of Commons without emotion. We all admire his genius; we all, at least most of us, deplore his untimely end; and we all sympathize with him in his fierce struggle with supreme prejudice and sublime mediocrity,—with inveterate foes, and with—"candid friends." The right hon. Gentleman may be sure that a quotation from such an authority will always tell. Some lines, for example, upon friendship, written by Mr. Canning, and quoted by the right hon. Gentleman! The theme—the poet—the speaker—what a felicitous combination! Its effect in debate must be overwhelming; and I am sure, were it addressed to me, all that would remain for me would be thus publicly to congratulate the right hon. Gentleman, not only on his ready memory, but on his courageous conscience.

Sir *J. Graham:* Sir, it is necessary for me to throw myself on the indulgence and justice of the House, considering the circumstances in which I am placed; and I hope, also, that I may be able to recall them to a dispassionate consideration of the reasons which I shall endeavour to adduce in support of the vote which I shall consider it my duty to give on the present occasion. In the first place, I think it desirable to divest the discussion of all that is extraneous, and that does not bear upon the Motion which has been made by the hon. Member for Finsbury. I shall not deal, therefore, with the elaborate speech which has just been delivered by the hon. Member for Shrewsbury. The hon. Gentleman has discussed questions connected with the ties of party, and has raised the question of what is the authority of the leader of a party, and what is the freedom, pushed, perhaps, to licentiousness by the hon. Gentleman, which follows are entitled to enjoy; and he has also stated that tyranny sometimes is exercised by me. Tyranny of this description is best met by open resistance; and I rejoice to find that the hon. Gentleman, thinking that tyranny has been exercised, at length has arrived at a period when rebellion, he thinks, may be open and avowed. I, Sir, am glad to learn this decision from the hon. Gentleman—and that we shall know hereafter, whatever may be the place in the House which that hon. Gentleman thinks proper to occupy—that he is in open and avowed rebellion, and no longer in a state of covert mutiny. I will now proceed to discard another matter, which I believe it is desirable should not embarrass our consideration upon the present occasion. The hon. Member for Finsbury, towards the close of his speech, referred to a question of privilege which, as he thought, might be connected with this subject; but I understood him distinctly to state, that on the present occasion, and as the question now stands, he does not rely upon the case of privilege connected with the circumstances of his case. I shall not, therefore, Sir, address any observations to the question of privilege. The hon. Gentleman says that his case may hereafter assume that shape; but as the matter now stands he does not raise the question of privilege. I may, in passing, observe, that the Resolution quoted by the hon. Gentleman, in 1689, bears reference to a particular circumstance—namely, the opening of a letter franked by a Peer of Parliament, and also that the Resolution is antecedent to the Statute of Anne, wherein the power of the Secretary of State to issue warrants is specially recognised for the first time by statute. Neither shall I, on the present occasion, argue the legality of the warrant issued by the Secretary of State. I shall only make the observation, that if the power be legal, the exercise of that power is legal in the case of a Member of Parliament; if it be illegal, the injury is as great towards the most humble individual as any Member of this House. The question, therefore, of legality or illegality does not affect in the slightest degree the case of a person being a Member of Parliament. But now, Sir, with the permission of the House, I am most anxious to appeal, as the hon. Gentleman has done, to its sense of reason and justice, without distinction of party, and without reference to personal feeling. I shall not follow the example of the hon. Gentleman, and pour contumely and vituperation upon Gentlemen of his party. On the contrary, I appeal in this case to their reason and their justice, and I rely upon the case which I am about to present to them, without reference to the side of the House on which hon. Gentlemen may happen to sit. I have a confident reliance that, actuated by motives of impartiality and justice, they will not accede to the Motion of the hon. Member for Finsbury. Sir, I think that all the circumstances of the case antecedent to the 4th of July in the last year, when the hon. Gentleman made the Motion for referring the question at issue between himself and me to a Select Committee of the House—I think that all these antecedent circumstances may, with the utmost propriety, be discarded. [Mr. *Duncombe*: I made my Motion on the 2nd.] The hon. Gentleman says, the 2nd of July, I thought it was the 4th; but on the 2nd of July the hon. Gentleman made a Motion that the petition of Mr. Mazzini, containing certain allegations respecting the conduct of parties at the Post Office, should be referred to a Select Committee. Now, Sir, it is of the last importance that I should recall to the recollection of the House what occurred on that day. The noble Lord the Member for the City of London distinctly stated on that occasion, that if I, filling the situation of Secretary of State, following the example of Sir R. Walpole, under circumstances not altogether dissimilar, had stated to the House the general principle on which in the discharge of my official duties I had exercised my functions as Secretary of State, and had issued warrants according to my official responsibility—if I had stated the general principles which had guided me in the exercise of that duty, he had come down on that day prepared to resist the Motion of the hon. Member for Finsbury. The noble Lord said, in his opinion, that a person clothed with official authority, and avowing that he had exercised this particular function, should have declared, as Sir R. Walpole declared, that he had not in any one particular instance in the exercise of his duty been actuated either by motives of private curiosity, private vindictive feeling, or private interest. The noble Lord said if that declaration had been made by the Secretary of State, he had come down prepared to resist the Motion for further inquiry. I moved an Amendment to the Motion of the hon. Gentleman, and I suggested to the House that on the whole, under the particular circumstances of the case, a Secret Committee was preferable to a Select Committee. The noble Lord distinctly stated that although he felt himself constrained to vote for the inquiry, for the reason I have just stated, yet that, on the whole, he was of opinion that a Secret Committee was preferable to a Select Committee. The House will, perhaps, permit me, to prevent all inaccuracy, to quote the precise words of the noble Lord. The noble Lord said,—

> "I entirely agree in the reasons urged by my right hon. Friend"—that is, by myself—"for proposing that the Committee appointed to investigate this matter should be a Secret Committee. I think the purposes of the inquiry will be more fully attained, the investigation will be more strict, and the Members of the Committee will be better able to arrive at a correct conclusion, if the inquiry be conducted secretly, than would be the case if it were an open Committee, and if the matter were canvassed day by day."

Now, Sir, let me call the attention of the House to the composition of that Committee. The hon. Gentleman towards the end of June made a Motion with reference to Mr. Mazzini. A division took place upon that question—a very close division. I do not think the Government had a majority of much more than six-and-twenty. On that occasion five of the Gentlemen who were nominated on the Secret Committee had voted with the noble Lord against Her Majesty's Ministers. Four Gentlemen were appointed from this side of the House, and of these four three only had voted with Her Majesty's Ministers on that occasion, and the other had not voted at all. The noble Lord, in the speech which I have already quoted, distinctly stated that the Committee in his opinion was fairly constituted—that he preferred a Secret Committee to any other tribunal, upon the ground that the examinations would, in his opinion, be more strict than if they were conducted in any other manner. The noble Lord approved entirely of the composition of the Committee, and said he was satisfied that that Committee so composed, for the purpose of conducting the inquiry in secret, which he allowed to be the preferable manner, would arrive at a conclusion satisfactory to the House and the country. Now, Sir, it is of great importance that the House should bear in mind the allegations which were on that occasion preferred by the hon. Gentleman the Member for Finsbury, and which were brought under the consideration of that Committee. First of all the hon. Member stated the existence of an inner office in the Post Office, where I think it was said letters were opened by wholesale. The hon. Member referred particularly to the Brighton bag and the Dublin bag being called for, and being sent to that office; and he went further, and stated that he believed everybody's letters were opened, and that his own letters had been opened. [Mr. *Duncombe:* Not so.] The hon. Member said on that occasion that the Brighton and Dublin bags had been asked for—that letters had been opened wholesale—that there was a roving commission going about the country to open letters—that letters were opened, and I think he said he had no doubt that his own letters were opened. Now, Sir, this was the state of the case on the day the Committee was appointed. But does the matter rest here? On the 18th of July the hon. Gentleman made an appeal to this House. On that day he came down to the House and stated that he had appeared before the Secret Committee. He stated what had occurred before that Secret Committee, and he again informed the House that he had preferred what he termed a bill of indictment before that Committee. The allegations of that indictment were enumerated. He said he was asked to prove certain charges which he had made in his place in Parliament. He stated that he was prepared to prove them by evidence. He was then asked to repeat the charges which he had made in the House. He said that on that occasion—I am speaking now in the presence of the noble Chairman of the Committee — he said that, on being so asked, he did repeat his charges; he used the expression that he had preferred a bill of indictment. [*Interruption.*] I really am sorry to trespass on the time of the House, but I think in a matter of this kind so personally affecting myself I am entitled to a patient and attentive hearing. The hon. Gentleman says that upon that occasion he preferred a bill of indictment; that is the expression which the hon. Gentleman used, and he then enumerates to the House the charges which he had preferred. The hon. Gentleman said—

> "I do not know, Sir, whether it will be necessary to repeat to this House the charges which I had made, at the same time I see no reason why I should not do so. The charges which I had then stated I was prepared to prove before the Committee, and by good evidence, were these—first, that the letters of Foreign Ministers had been and were up to the present time opened; second, that a very unscrupulous use had been made for the last two years of this secret power which was possessed by the Government of opening letters; third, that a roving commission had been sent down through the country in the year 1842, for the purpose of opening letters: that letters of certain individuals had been opened, and I believe are now opened, and that my own letters had been opened."

Now, Sir, the hon. Gentleman on the 2nd of July—[Mr. *Duncombe:* That was on the 18th.] The hon. Gentleman on the 2nd July, as I contend, did state to the House in substance and in terms all the allegations which he again enumerated on the 18th July. The hon. Gentleman stated that his own letters had been opened. He stated it on the 2nd of July, when the Secret Committee was appointed, which the noble Lord thought, for a strict and searching examination, was best calculated to effect the object, and the composition of which he declared to be fair. The hon. Gentleman then preferred a bill of indictment, one of the counts of which was that his letters had been opened. He went before the Committee; he was asked what his charges were. They were taken down by the short-hand writer; and the hon. Member says they were taken down by every Member of the Committee. He says that, among other charges, he told the Committee that his letters had been opened, and that he was in a position to prove that charge. He went further: he says that he tendered to the Committee a list of witnesses who were capable of substantiating his allegations. The case, however, which he offered to prove, broke down in consequence of a condition which the hon. Gentleman sought to impose on the Committee. That condition was that he himself should be present, and should examine the witnesses he might produce. Now, the hon. Gentleman says that I reserved an appeal to this House; but the hon. Gentleman himself has more than once exercised a similar right. He appealed on the 18th of July from the decision which he sought to impose on the Committee; and he proposed to the House the following Resolution:—

> "That it be an instruction to the Secret Committee on the Post Office, that they allow Thomas Slingsby Duncombe, Esq., Member for the Borough of Finsbury, to attend before said Committee, and produce and examine witnesses in support of the petitions of Joseph Mazzini, of Charles Stolzman and others, referred to the said Committee."

Upon that occasion, the noble Lord the Chairman of the Committee addressed the House, and assured them that the Committee were then anxious to hear the evidence of which the hon. Gentleman was in possession; that they knew that the hon. Gentleman possessed personally no information which could have aided them in their inquiry, and that he must have derived his information from other parties; and that they also felt that it was competent to him to put some hon. Member of the Committee in possession of the facts which had come to his knowledge. The noble Lord further stated, that he did not believe that any information which the hon. Gentleman could give was actually essential to the successful prosecution of the inquiry, and that the Committee felt that they were not in any way defeating the object of the investigation by refusing to hear the hon. Gentleman. The O'Conor Don assured the House upon the same occasion, that the present and the late Governments had furnished the Committee with all the information they could possibly desire; and the hon. Member for Derby (Mr. Strutt) said, he could only declare what was the truth, that they had pursued the inquiry without regard to either party, and that the most ample evidence had been placed at their disposal. And the hon. Gentleman himself, the hon. Member for Finsbury said, that his right hon. Friend the Member for Northampton (Mr. V. Smith) was perfectly correct in stating that the question was, whether the Committee were wrong in not allowing the hon. Gentleman to examine the witnesses, or whether he was wrong in making his request. The hon. Gentleman admitted that that was the question to be decided upon the occasion. The House went to a division upon that question; and by the large majority of 141 to 51, the Motion of the hon. Gentleman was negatived. The proposition upon which the hon. Gentleman joined issue—namely, whether he or the Committee were right—was determined against the hon. Gentleman, and in favour of the Committee. And upon that occasion, if I mistake not, the noble Lord the Member for Sunderland (Lord Howick) and the right hon. Gentleman the Member for Portsmouth (Mr. F. Baring) voted with the majority against the instruction to the Committee proposed by the hon. Gentleman. Under these circumstances I am entitled to say that the House deliberately came to the following conclusion:—First, that a Secret Committee was, upon the whole, the surest, the best, and the most searching tribunal to investigate this case; and, next, that the hon. Gentleman was not entitled to be present at the examination of his witnesses, and that he was bound to give in a list of those witnesses for the purpose of establishing his case. But more than that, I contend that the whole case has been fully and deliberately investigated by the tribunal appointed by this House. The hon. Gentleman, not satisfied with the decisions to which the House had come in the course of last Session, again appealed to the House the other evening, and asked it to appoint a Select Committee in lieu of a Secret Committee; and again the hon. Gentleman was defeated in his appeal. The House decided that a Select Committee should not be appointed, and that it was satisfied with the Report and the verdict of the Secret Committee which it had appointed on a former occasion. And what is it the hon. Gentleman asks to-night? I conceive that what he wishes to do to-night is to appeal for a third time to the judgment of the House against the decisions which it has twice formerly pronounced. Not satisfied with the decision of the House that a Secret Committee was the best tribunal—

not satisfied with the rejection of his proposal that a Select Committee should be appointed—he proposes to-night that the House should determine on again investigating a subject at the Bar of the whole House, upon which its decision has already been given more than once. I shall not weary the House by going through the proofs to be found in the Report of the Secret Committee, that all the allegations preferred in the hon. Gentleman's original charge have been investigated. But I may observe that there are passages in that Report which show that the allegation of a roving Commission having gone through England opening letters has been investigated and refuted; and that the statement that at the inner office, the Brighton, the Dublin, and other mails, had been indiscriminately opened, has been found to be incorrect. And now I rely on this Report upon a point which the noble Lord declared originally to be essential and vital—namely, whether the power in question has been exercised in excess by the present Government and by the Secretary of State, and more especially whether it have been exercised from motives of curiosity or personal and vindictive feelings, or whether it have been exercised exclusively from a regard for the public service. The Committee have come to a deliberate decision upon all these topics; they have directly negatived the assertion that the power has been exercised under the influence of any personal or vindictive feeling. They have said, that in reference to every particular warrant they were not unanimously prepared to assert that each warrant had been issued with discretion; but they alleged that they were unanimously of opinion, that in no one case had a single warrant been issued from personal or vindictive feelings, or from any other motive than a desire to preserve the public peace. The hon. Gentleman made some strong assertions as to the legality of the course which I have pursued. Now, I state deliberately and solemnly, that I never opened a letter, or directed a letter to be opened, or knew of a letter being opened, without a written authority from the Home Office, in conformity with the usage established by my predecessors, and in conformity with a legal opinion as to the right mode of issuing a warrant; and that I never issued any such warrant from personal or from vindictive feelings. I aver that most solemnly. I go further—I state that which nine hon. Members of this House can affirm or confute—I state that every warrant issued by every Secretary of State for the last twenty-two years has been deposited at the Post Office; and I assert that every warrant issued by me was produced before the Secret Committee. I not only produced before that Committee which the House had appointed to enter into a full investigation of the subject, every warrant I had issued; but, going *seriatim* through each warrant, I stated, without reserve, the facts connected with its issue; and, without any disguise, I explained the motives, the reasons, and the causes which had influenced me in each particular case. I declare this in the most solemn manner; and if there be any question as to the veracity of my statement upon this subject, I have only to state that, in the office itself there are three individuals who are cognisant of the issue of each warrant, as well as the Secretary of State who signs it, and that every warrant issued during the last twenty-two years has been preserved at the Post Office; and as many of the officers of the Post Office gave evidence before the Committee, they must have had an opportunity of checking any statement which a Secretary of State might make. I believe I may assert with confidence that every Member of the Committee was satisfied that no concealment or disguise whatever had taken place on my part. I shall not dwell upon the Report of a similar Committee of the House of Lords; it is enough for me to rely upon the decision of the tribunal constituted by this House—not hastily adopted, but deliberately created, by this House. It would ill become me upon this occasion to utter one word of complaint with respect either to the conduct of the hon. Gentleman, or any expressions which may have fallen from him now or upon a former occasion in the heat of debate, nor shall I now comment on any expressions which may have fallen from hon. and noble opponents of mine. This is a matter deeply affecting public interests; but still appealing to the justice of both sides of the House, without any distinction, I say that my conduct upon this subject has been investigated both by a Committee of the House of Commons, and a Committee of the House of Lords; and that after I have had from each Committee a verdict in my favour, the consequence of entering into another investigation would be that their verdict in my favour should be set aside, and that

I should be put upon my trial again. The time of the House is precious; and I am always unwilling to trespass upon it unnecessarily. But still, considering that a personal attack has been made upon me, and that my private feelings have been wounded—unintentionally, no doubt—in the course of a former discussion, although I do not in general think it very becoming in Gentlemen addressing this House to dwell upon their own private feelings and position, the House will, perhaps, indulge me while I allude to a subject immediately relating to myself. Reference has been made to my early intimacy with the hon. Member for Finsbury; and I am bound to state that I have been on terms of great intimacy with that hon. Gentleman. It was not an intimacy commencing with us; for I may say—and I am sure that he will be prepared to confirm the statement—that it has been transmitted to us from our forefathers for several generations. It was, therefore, with infinite pain that I have ever found myself placed in collision with that hon. Gentleman. He and I have certainly been on very friendly terms; we have passed many joyous days and many convivial nights together. But I may be permitted to say that our intimacy was not the intimacy of political association. The hon. Gentleman has himself referred to a fact which is quite notorious, that in the discharge of his political duties he has formed an alliance with a large body of persons in this country who advocate what is termed "the Charter;" he presented their petition; and his defence of the advocates of that measure upon more than one occasion is well known to the public. It would ill become me to express any opinion on what the hon. Gentleman has conceived to be the line of his public duty. That line of public duty is well known to all, and will be judged of by all; but I am bound to say that no circumstance has in any way or at any time come to my knowledge, in the exercise of my official duties, with respect to the conduct of the hon. Gentleman, which is in the least degree inconsistent with loyalty to Her Majesty, or with his duty as a Member of this House. I have already stated that in the official exercise of a most painful duty, I cannot give what the hon. Member for Liskeard has termed a plain answer to a civil question. I have said with truth, that if I were to answer one question of this nature put to me by an hon. Member in this House, I must necessarily answer not only every other Member who might put a similar question, but I should in justice be bound to give an answer to every similar question which might be put by the humblest individual in this country. It is for the House to determine whether or not they will maintain the existing law; but while the law continues, if the Secretary of State is to exercise, for public objects and public purposes, a power of this kind, I say it is incompatible with the free exercise of that power that interrogatories of this kind should be answered. If I could have acted on the impulse of private feeling apart from a sense of public duty, I should certainly have spared the House these frequent discussions. But I could not have done so consistently with my sense of duty. I can, however, assure the hon. Member for Finsbury that there is nothing disrespectful—nothing personally disrespectful to him—in the part I have taken; on the contrary, I again repeat that I do not entertain one particle of vindictive feeling towards that hon. Gentleman; for all my feelings are of a widely different character. I do remember our former intimacy; and I have a respect and a regard for the hon. Gentleman which nothing he may say or do in his moments of anger can ever shake. I say again that I do not mean anything personally disrespectful to him by what I have said or done; and I sit down repeating that I know nothing officially, or in any other way, respecting the conduct of the hon. Gentleman which in the least degree reflects on his conduct as a loyal subject or as a Member of this House.

Viscount *Howick:* I have heard, Sir, in common with the House, with great satisfaction, the observations which last fell from the right hon. Gentleman the Home Secretary. Those observations will have the effect of taking away from the remainder of this debate much of that bitterness which has unfortunately belonged to it. I must say, I should have preferred this question not being again brought before this House. I could have wished, without referring further to the past, that some Bill or Resolution had been brought forward with a view to regulate the exercise of this obnoxious power in future, and guarding against the abusess which may have attended its former exercise. But as the hon. Member for Finsbury has thought proper to bring this proposition before us, I think we are bound to deal with it as justice and reason require. And, Sir, it is well that the right hon. Gentleman does not deny that the course proposed by the hon. Member for Finsbury is strictly in accordance with previous precedent and the practice of this House. When a Member of Parliament states that his letters have been opened, it appears to have been the practice of this House to inquire into the fact, and ascertain if such opening has taken place, and if so, whether it have been done by competent authority. The hon. Gentleman states that he is in a situation to prove the fact of the opening of his letters; and nothing is stated to us of any sufficient authority having been given for that opening. The right hon. Gentleman refuses to settle this question by stating, as he might do in one moment, that there existed a proper authority, and therefore, inquiry from his subordinate officers was unnecessary. But we are left in ignorance where this authority has been given, and therefore the hon. Member is perfectly justified in praying for an investigation into the subject. The right hon. Gentleman rests his whole resistance to this Motion upon this simple assertion—that the case has been already disposed of by the Secret Committee. If I agreed with him as to the fact of a verdict having been given by that Committee, I should be very much disposed to agree with him as to the conclusion. But I deny the fact. I take this Report, and find that, so far from having given any verdict one way or the other upon this particular case, they have studiously avoided doing so. If any hon. Gentleman examines this Report, they will find, with regard to the case of Mazzini's letters that the Committee have expressly reported that the alleged opening had really taken place; they have stated the grounds upon which it took place, and they have also said, that they did not consider the Secretary of State blameable for what had been done. There is no doubt upon that case. Here is an explicit verdict given. They give not only their judgment, but their reasons for it. But in the case of the hon. Member for Finsbury, they not only give no judgment, but they leave it as a matter of inference, and doubt whether a warrant has been issued or not. The House is still unacquainted with the fact, whether any such warrant has been issued. If the Committee had reported, " We find a warrant was issued to open Mr. Duncombe's letters, and that there were circumstances to justify it," then I should say, that the right hon. Gentleman was justified in resting his case upon a verdict having been given. But the Committee have done no such thing. They have not informed us whether any warrant at all has been issued, much less have they told us whether they thought it had been properly issued. Nay, more, there is in the Report an expression which warrants the opinion that the Committee did not agree as to whether it had had been done with a discreet exercise of judgment, or the reverse; because, what does the Committee say, supposing it to have been issued. They state—

> " So far as the criminal warrants go, no suspicion arises that unfairness or partiality has directed their issue. With regard to the other class of warrants" — that is, political warrants, of which this is supposed to have been one—" though there have been some few issued by different administrations that have been in power during the last twenty-two years, in regard to which it is obvious that on a subsequent review of the facts, a difference of opinion might arise as to the discretion exercised in each particular case, yet your Committee see no reason to doubt that the conduct of the Secretaries of State belonging to each of those administrations has been guided by any other motive than an anxious desire to preserve the public peace with the maintenance of which they were charged."

Sir, I admit at once, that this paragraph of the Report is a judgment of the Committee, so far as the motives of the right hon. Gentleman might have been concerned. Supposing a warrant to have been issued, the Committee expressly acquits him of improper motives; but a Minister may do very wrong, and yet act from very right motives. An error in judgment, a mistaken use of the discretion entrusted to a Minister—and especially so high a discretionary power as that now in question—is a subject requiring the notice of this House. Of course you would notice it in a different way if you think it is a mere error in judgment, from what you would if you think it arises from corrupt and improper motives. But be the motives ever so right, I say a mistaken judgment in so grave a matter as the opening of the letters of a Member of Parliament is a case in which the House has a right, and it is its duty, to inquire. And when you look at the particular wording of this paragraph which I have just read, the Committee stating distinctly that a difference of opinion may arise as to the discretion with which this power has been exercised, when you couple that with the distinct admission made by the noble Lord the Member for Liverpool, by the hon. Member for Derby, and the hon. Member for Kendal, that that Committee were very far from agreeing with themselves—I say, when you couple these things with the fact, that the particular case of the hon. Member for Finsbury is not noticed in the Report—when you take all these things together, the inference to my mind is perfectly irresistible that the Committee were not, in point of fact, agreed as to whether the letters of the hon. Member for Finsbury were properly opened, or the reverse. In point of fact, I entertain little doubt that there were differences of opinion on the subject by the Committee. And under these circumstances, entertaining the opinion which I expressed on a former evening, that nothing but the strongest circumstances would justify an interference with a free communication between a Member of this House and the people whom he represents; entertaining that opinion, and believing, from the Committee not having expressed a positive opinion, that they were divided in their sentiments, I cannot say that the supposed verdict which has been given by that Committee ought to preclude me from inquiring further whether, in this instance, the power of which we have been speaking, has been exercised properly or not. And really I cannot help remarking upon the extraordinary power which hon. Gentlemen would put into the hands of this Committee. I place every reliance on the honour and judgment of the Members of the Committee; but still it is quite new to me, that even when we might be aware how the Committee had decided, upon what grounds their opinion was formed, and even if we knew that they had decided by a large majority, in that case I am yet to learn that the opinion of the Committee is to be binding and conclusive on this House. I have always understood that the real functions of a Committee were to ascertain facts and give their opinion; and then it was for the House to judge whether such Committee had arrived at a proper decision or not. It often happens too, that the House overrules the decision of the Committee; and not only the House overrules the decision of a Committee, but if that Committee happens not quite to agree with Her Majesty's Government, it often happens that the Government overrules its decision. I was on a Committee last year charged with an important inquiry upon a subject affecting private interests—I mean the New Zealand Committee—and it so happened that, having gone fully into the inquiry, the majority of that Committee—composed, too, of a considerable number of Gentlemen on the other side of the House—came to a decision opposed to the views of the Government. What happened? As soon as Parliament was up, a despatch was written by the Secretary of State, in which he said that a considerable difference of opinion existed amongst the Committee; but he agreed with the minority; he thought they were right, and his instructions were founded upon their opinion. That is the view which the Government may take of the decision of a Committee. But in the case of a Secret Committee, which we have every reason to believe to have been divided in opinion, in which if they gave any opinion in favour of the conduct of the Government, and there was a majority, it was only perhaps by a casting vote; I say in the case of such a Committee we are entitled to know the grounds upon which they have decided. In a case of this importance, involving one of the highest privileges of the House, involving the exercise of one of the greatest powers of the Government, requiring to be used with the most profound discretion, the Government refuses to tell us what has been done—refuses to tell us whether they have acted in this way or not; and, if so, upon what grounds, and yet they say that the whole case has been submitted to a Committee; and although they may have reason to believe such a Committee has come to a decision, they (the Government) have not told us—and they, notwithstanding, require us to leave the case where it stands—that is, I say, a most unsatisfactory mode of dealing with a case of such importance. And I cannot help thinking that the whole difficulty might have been removed by the Government if they had taken the simple course suggested by the hon. and learned Member for Liskeard; namely, by stating, in a straightforward way, what had been done; for really this concealment, after the matter has gone so far, becomes almost ridiculous. The right hon. Gentleman refuses to tell us whether he has issued a warrant or not, and he makes a speech implying that he has. Would it not have been more simple and satisfactory to the House and the country for the right hon. Gentleman to have come boldly forward, and said, "I have issued a warrant, and upon such and such grounds. You may think me mistaken. I was placed in difficult circumstances, and I acted to the best of my judgment. If you think I was wrong, limit the exercise of this power in future; but these are the facts, view them as you think proper." It seems to me that no inconvenience would have arisen from that course. The right hon. Gentleman says he cannot answer these questions without putting himself in a situation to be always answering similar questions from Members who might suppose their letters to have been opened. I confess if that is an inconvenience, it weighs but little with me. I believe this to be a power which ought not to be exercised in secrecy. But if you are to admit that as an excuse for the right hon. Gentleman not explaining what occurred in this instance, you are practically making it impossible in any case of real abuse in this House to follow it up. If the right hon. Gentleman is to shelter himself in this case under any official plea, from giving any information as to the grounds upon which he proceeded, I want to know how it is possible that the House can institute proper inquiries again, in any case in which an abuse has really been committed? I say again, I should greatly have preferred a Motion brought forward in another shape; but I think the hon. Member for Finsbury has a clear right to press for an elucidation of the circumstances which attach to his case; and with a view to our subsequently dealing with the subject, and laying such restrictions as we shall think necessary upon the future exercise of this power, it is fit that we should know what has happened. If, therefore, the right hon. Gentleman refuses to state the grounds upon which he acted—supposing he has done what has been alleged—if he refuses to make the simple explanation which I have suggested, I think we have no other course to adopt, than to support the Motion of the hon. Member for Finsbury.

Viscount *Sandon* would merely allude to one point in the speech of the noble Lord. The noble Lord seemed to imply, from the Report of the Committee, that there was a difference of opinion as to the discretion with which the power had been exercised by the Secretary of State, and that expressions were resorted to in order to conceal a difference of opinion between the Members of the Committee. The Committee did not consider that it was a part of their duty to investigate the subject of the discretion exercised in issuing warrants. He was not making any disclosure. As to the discretion exercised with regard to criminal and political warrants for the last twenty-two years, they had the fullest information in each case. They did not feel themselves called upon to express any opinion as to the discretion which had been exercised in the issuing of warrants. They did not consider that to be one of the issues which they had to try. They considered the question whether the right hon. Gentleman had exceeded or improperly used the power vested in him. And with regard to the whole twenty-two years, the Committee went into a full investigation, and came to the conclusion that whatever difference of opinion might arise as to the discretion in each case, they had no charge to make against the *bonâ fide* honest intentions of the Secretaries during that period. They merely investigated the motives which had led to the issuing of warrants, and decided upon the conduct of the parties concerned, and he could only say they were perfectly satisfied.

Mr. *Warburton* did not altogether differ from the noble Lord the Member for Liverpool, but he did not consider that the Committee had in any way whatever entered upon the question of discretion in the issuing of warrants. No discussion ever arose in the Committee as to whether they had the power or not of deciding on the expediency of each case. But as an independent Member, and looking to the composition of the Committee, he did not think that it would have been a discreet exercise of his power to have raised the question. He thought that the best course which they could take was to give a general statement as to how this power was exercised, and not go into any particular case by name; but they examined to see whether the Government had acted from honest motives; and the inference they drew they not only intended to apply to the Members of the present Government, but to their predecessors. He differed from the noble Lord as to no question having arisen as to whether they had the power of going into any particular case.

Lord *J. Russell* said: I have listened with great attention to the statement of the right hon. Gentleman the Secretary of State. I own that it has changed the view which I took of this question when it was presented to the House by the hon. Member for Finsbury. As the question was left in the last debate, I conceived it to be this—that the Committee had been decided in their opinion that the power exercised by various Secretaries of State had been exercised with a desire to preserve the public peace; and as they had not stated that there was any gross case with respect to the exercise of those powers, the conclusion of the Committee might be considered an acquittal of the present and former Governments with respect to the exercise of those powers. But when an hon. Member stated that his letters had been opened, and asked whether that was the case, and required an answer—he received no answer. The House has been three nights occupied with this debate, and I confess that I thought, from the statements that had been made, that the House had been degraded in the person of one of its Members. It was said that this power was placed in the hands of the Government to be exercised solely for the preservation of the public peace. As the case originally stood, I intended to give my vote for further inquiry. Now, however, the right hon. Baronet has come forward and has not done what I think he might have done—namely, answered as to the fact whether the hon. Member's letters had been opened or not. I think it would have been best for the right hon. Gentleman to have given that answer. However, as a matter of inference, in my mind, it is very clear that some letter of the hon. Member has been opened by the authority of the Secretary of State. If the right hon. Gentleman had answered the question, it would have been hardly left to the House to decide whether or not the officers of the Post Office should be called to the bar. The right hon. Gentleman further stated that he knew nothing which was derogatory to the character of the hon. Member for Finsbury as a loyal subject of Her Majesty—as an hon. Member of that House. I own I think that that declaration of the right hon. Baronet has very much changed our position; and, so far as the conduct of the Government is concerned, I am ready to take the Report of the Committee, and I think that, after the declaration of the right hon. Gentleman, so far as relates to the character of this House, it is not necessary to go into any further inquiry with respect to this case. I own that the reason which the right hon. Gentleman has given as to why he will not answer the question whether he has opened any letters or not, does not appear to me satisfactory. He says, that if he were to answer the question of a Member of that House, he must equally answer a similar question from the humblest man in society. Now, if that argument be good for anything, it must equally apply to the statement the right hon. Gentleman has made with respect to the conduct of the hon. Member for Finsbury. Suppose somebody was about to be tried for sedition, and applied to the right hon. Gentleman to say whether he knew anything of his conduct inconsistent with that of an honest man, the right hon. Gentleman must, upon his own argument, answer the question. I really think that the present Government are more careful of their own dignity than they need be, and they seem to care more about that than any public object. If they chose they might have spared us this painful discussion, which has now been renewed in a second year, and which has lasted three nights. The right hon. Gentleman alluded to the standard of rebellion, which, he said, was raised in the year 1845; but the rebellion to which the right hon. Gentleman alluded is not a rebellion against the Crown of Her Majesty, or the dynasty now on the Throne, but a rebellion on the back benches behind him, and a rebellion from the effects of which I have no great apprehension for the safety of the Throne. With respect to the subject immediately before the House, I cannot consider, without reference to another subject, the case of Mr. Mazzini. When I last addressed the House, it appeared to me that the practice which had been pursued in this instance was one which it would not be advisable to repeat, and one which would lead this country to become the assistant of the despotic Powers of Europe in objects inconsistent with the desires of every friend of freedom. From the Report of the Committee, and what has been stated by the right hon. Baronet, the impression has been removed from my mind that our Government had anything to do with the conduct of the Neapolitan Government respecting the unfortunate occurrences in Calabria. However, I think that the power of opening letters is one that ought not to be used for the purpose of communicating information to Foreign Governments. With respect to the question before the House I shall vote against the Motion.

Mr. *M. Milnes* entreated the indulgence of the House for a few moments. As he was one of those whom the noble Lord the Member for London had facetiously designated rebels, he hoped the House would permit him to explain the grounds on which he felt compelled to support the Motion of the hon. Member for Finsbury. In taking this course, he denied that he could be accused of want of confidence in the Government. His vote had nothing whatever to do with his confidence in the Government. The idea of making a warrant, which was to serve as the justification of an officer's conduct, a secret document, was an absurdity and an anomaly. He believed that the meanest subject of Her Majesty had a right to know by what authority a measure of police had been exercised towards him. Now he regarded the right hon. Baronet as the head police-officer of this kingdom. He could not refuse to the hon. Member for Finsbury the right of ascertaining the justification for his letters being opened, which the warrant would be. If it was refused, he did not know but these letters might have been opened on totally illegal grounds by the subordinates of the Post Office. He did not know but that on a future occasion the power might be greatly abused. He believed in his heart that the right hon. Baronet had not abused it; but that was no reason why on some other occasion, and in some less happy state of things, the Minister might not abuse the trust reposed in him, and on these grounds he should vote for the Motion of the hon. Member.

Mr. *Watson* would make a few observations in explanation of the vote he meant to give in favour of the Motion of the hon. Member for Finsbury. This was a question of privilege. Opening the letters of a Member of that House without a lawful authority was undoubtedly a breach of privilege. They could arrive at the facts of the case only by calling these parties to the Bar of the House. When the facts were obtained, then arose a question deeply affecting the rights of the Members of that House, which would require their serious consideration. No question more affected their privileges than that of the freedom of their correspondence from illegal examination. The noble Lord the Member for Liverpool said, that the discretion exercised by the Secretary of State in these cases had never been considered by the Committee. That seemed to be the whole matter submitted to the Committee. It had been constantly repeated on a former evening, that the Report of the Committee was a verdict of acquittal of the right hon. Baronet. What, then, was the meaning of the verdict of acquittal which they had heard so much about? Why, the Committee had never considered the question. There was in truth no verdict at all, but merely an opinion that no bad motive existed in opening letters. The question was, had that part of the case been considered? If it had not, then it ought to be investigated at the Bar of the House. It would appear that the Committee had simply called the right hon. Baronet before them, and that he had stated that he had issued certain warrants; and then the Committee reported that he had exercised that privilege as his predecessors had done, but they never inquired into the circumstances or the discretion exercised. Since the last discussion in that House, everything that had been said, and every person with whom he had conversed on the subject, had convinced him that these warrants were entirely illegal. General warrants had existed long before the Revolution; precedents of general warrants were to be found in Rushworth and in Dalton. Yet they had been condemned by Lord Hale, and ultimately decided to be illegal. He was much surprised to hear his hon. and learned Friend the Solicitor General say, that general warrants were authorized by Statute till 1694; that was not so: warrants to seize unlicensed papers under the Licensing Act, 13 & 14 Car. II. existed till 1694; but they were *in nomine* similar to general warrants to seize all papers. The Resolution of the House of Commons of April 22, 1766, was—

> "That a general warrant to apprehend the author of a libel is illegal, and if executed on a Member of this House is a breach of privilege;"—"and that the seizing or taking away the paper of the author or publisher of a libel is illegal, and that such seizing or taking away the papers of a Member of this House is a breach of the privilege of this House;"

Which proves, that the illegal seizure of a

Member's papers is a breach of privilege. It follows, that opening a Member's letters without legal authority is a much higher breach of privilege. The vote of the House in 1822, on the Motion of the hon. Member for Cumberland (Mr. James) proceeded on the ground that the magistrates had a right to open letters to or from prisoners, as incident to prison discipline, although coming from Members; and, therefore, the opening was legal. Here it is illegal. The Resolution of 1735 assumed warrants of a Secretary of State to be legal, which is the whole question. Moreover, till it was shown there was a Secretary of State's warrant, opening the hon. Member's (Mr. Duncombe's) letters was a breach of privilege according to that Resolution. He did not wish to detain the House longer on that point, as the parties were anxious for a divison, although he had abundant arguments to prove that these warrants were illegal; but nothing less than a full investigation of the whole of the question would satisfy the House and the country. He contended that no practice, however long, would give legality to these proceedings. He would remind the House that the men of Kent at one time contended for the legality of robbery on Gad's-hill, but that had been pronounced by the Judges to be wholly illegal. He believed, from all that had been stated, that the hon. Member's letters had been opened; and he supposed Col. Maberly would have no objection to come to the Bar, as he voted for the Motion of the hon. Member for Cumberland in 1822. The hon. and learned Gentleman concluded by expressing his intention to vote for the Motion of the hon. Member for Finsbury.

Mr. *Hume* said, the question was one of the greatest interest to the country, and he believed excited more attention out of doors than in that House. He was glad that the question had been so much narrowed, and he must express his astonishment that the right hon. Baronet should not have thought it right to accede to the Motion. He had not had the moral courage to say that he had issued the warrant and authorised the opening of his hon. Friend's letters; and it appeared to him the greatest want of moral courage he had ever witnessed in that House for the right hon. Baronet to allow the whole odium of the case to fall upon the Post Office authorities. These letters, it would appear, had been opened in the Secret Department of the Post Office; and the House would stultify itself, and be utterly lost, if it refused to inquire into the circumstances under which they were opened. Let Colonel Maberly be called to the Bar, and let him declare whether these letters had been opened or not; and then would come the question by whose authority they had been opened. If it was shown that it was by the authority of the Secretary of State, then let the validity of the matter be tried in a Court of Law. The right hon. Baronet had in a most extraordinary manner, as it appeared to him, refused to admit that he had issued the warrant, nor would he consent to these parties being called to the Bar. He (Mr. Hume) had, when the question was before the House, voted for the hon. Member for Finsbury being placed upon the Committee. [The hon. Member here referred to the observations made by Mr. Duncombe when the Secret Committee was appointed, and in which he stated that he would reserve to himself the right of re-opening the question if the Committee did not do its duty satisfactorily.] Now had they not the testimony of two hon. Members that evening that they did not investigate the case of his hon. Friend at all? Why it was monstrous; and the country would not believe that the House would refuse to grant an inquiry under such circumstances into a matter of so much importance. Why, his hon. Friend's character had been assailed; the hon. and learned Member for Bute, and other hon. Members, in the course of the debates that had taken place, had endeavoured to couple the hon. Gentleman with the disturbances that had taken place in 1842. Let any hon. Member place himself in such a position, and say would he be satisfied to allow the question to remain as it was. What objection could there be to allowing Colonel Maberly to be called to the Bar, and stating what he knew of the matter. The business of the country had been stopped, and in his opinion it ought not to be allowed to go on until the question was set at rest. Now he would appeal to the right hon. Baronet the leader of the Ministerial party, who had declared that he would bring forward no measures which he did not conscientiously believe were for the public good, and he asked him how he could reconcile it to himself to refuse the present Motion? He would ask him the simple question, did he think it right that they should remain in ignorance whether these letters had been opened or not? He would take the right hon. Baronet's silence with regard to that point as an admission that these letters had been opened. The right hon. Baronet had not denied it—let him deny it if he dare. He charged the right hon. Baronet with a deliberate determination to shut out the truth. He must say that he regretted very much to hear the speech of the noble Lord the Member for London, and he was sorry he had not the moral courage to vote for the Motion. He could assure the noble Lord that he injured himself and his character with the country by the course he had determined to take; for who could place confidence in him after that speech? He was deeply pained to hear it, and should give his cordial support to the Motion.

Mr. *Aglionby* hoped his hon. Friend the Member for Finsbury would continue to press for a free and full inquiry until he obtained it, and he certainly should give him every support for that purpose. He should not have spoken had it not been for the speech of the noble Lord the Member for London, and for those of two Members of the Committee, namely, the hon. Member for Kendal and the noble Lord the Member for Liverpool. It was rather remarkable that the two latter speeches gave essentially different versions of the proceedings before the Committee. The country required that this matter should be made as clear as possible, and that the House should not sanction a violation of the Post Office Department. The country would not be satisfied until it heard where, and how, and to what extent the confidence which had been displayed in this Office had been violated. The noble Lord the Member for London assumed that the letters of his hon. Friend had been opened—this, however, had not been admitted—and that they had been opened by the warrant of the Secretary of State. He was surprised that the noble Lord should refuse inquiry on such a slight ground as he alleged, for that could never satisfy the country. What had the Committee done? They had not only not reported on the case of the hon. Member for Finsbury, but from the statement of two hon. Members of the Committee, who had addressed the House on the question, it appeared that they had not even considered the subject. One of these hon. Gentlemen told the House that the case of the hon. Member for Finsbury had not been made a point in their instructions; and the other hon. Gentleman said, the Committee did not think it right to go into the matter. The hon. Member for Kendal added that, as a Member of the Committee, he did not consider, from the constitution of the Committee, and the nature of the subject before them, they would be doing their duty, as they were bound to do it to the best of their power, if they brought forward such a subject in their Report. In fact, it would appear that the Committee said to themselves, "We are placed here not for inquiry, but to preserve secrecy. We are here not to make matters known to the public, but to shield all parties, and to keep the practices on which we have been appointed to report as much as possible a secret from the world." If he belonged to a Committee that received instructions from those in power to act in that manner, he would at once tell them that he would not be a party to such work. There could be no question but that the course taken by the Committee was to shield all parties—to throw a veil over the present Government, as over their predecessors, and all former Governments. He should beg to say for himself, that he never had the slightest suspicions of the correctness of the motives of the right hon. Baronet the Secretary of State for the Home Department. He never attributed to the right hon. Gentleman, or to any other Member of the Government, any malignant feelings in the exercise of such powers; but he would wish the House should be put in possession of what form of law or of right it was under which the letters of individuals were under any circumstances to be opened. If he had been a Member of the Committee he would have thought it his duty to inquire into that matter; and he might add, that if he were in the situation filled by the right hon. Baronet he would act under the feeling that nothing could be so detrimental to the public service as to leave the subject in doubt and uncertainty. He would not, if he were in the place of the right hon. Baronet, leave the case of the hon. Member for Finsbury in the position in which it now rested, or give the noble Lord the Member for the City of London an opportunity of drawing inferences such as they had heard that night. He would have declared positively whether he had issued the warrants for opening the letters of the hon. Member for Finsbury or not; and if he had issued them, he would have gone further and have declared that the letters of the hon. Member having been opened and inspected, the result did not justify what had been done, as nothing treasonable or improper had been found. He denied that the admission of the right hon. Baronet was an acquittal of the hon. Member for Finsbury, and even if it were, he thought the matter could not be allowed to rest there. If the right hon. Baronet had assented to the inference drawn by the noble Lord the Member for the City of London—namely, that he had issued a warrant for opening some letters addressed to the hon. Member for Finsbury, and that he had found nothing wrong in them—that would be no answer to the entire case of his hon. Friend. The hon. Gentleman had stated that he suspected another letter of his had been opened, which could have no connexion with the riotous proceedings which then disturbed the country; and he also understood his hon. Friend to say, that he suspected several other letters addressed to him had been opened besides those which he had more immediately brought under the notice of the House. Was it not, then, better, under such circumstances, to allow the inquiry to proceed—to allow the head of the Post Office to be called to the Bar of the House; and as nobody blamed that functionary, or attributed improper conduct to him, was it not right that they should have an opportunity of asking him whether he had opened, or ordered to be opened, any letters of the hon. Member for Finsbury? By leaving the case as it then stood, they would place it in a worse position than when it had been first brought forward; for it might now be supposed that some of the letters of the hon. Member for Finsbury had been opened by the authority of the right hon. Baronet, and that other letters belonging to the hon. Gentleman had been opened in the Post Office without any authority whatever. It was not his opinion that such was the case, but he would maintain that such an inference might be drawn. The Committee had stated in their Report that no letters had been opened by the present or by the late Government from malignant motives; but while they thus acquitted the Government, the House should give an opportunity to the Post Office authorities to acquit themselves also from the imputations to which they were now open. The hon. Gentleman concluded by calling upon the House not to treat the question as one of a party nature, but to regard it as a matter which concerned every individual in the community; for while the law remained as it now stood, and while the proceedings in the Post Office were kept shrouded in mystery and concealment, there was not a man or a woman in the Empire who sent a letter through the Post Office, that would not suspect it of being opened before it reached its destination.

Mr. *Jervis* was aware that after the speech of the noble Lord the Member for London, the debate had lost much of its interest; but still he did not think that speech was very well calculated to satisfy the country. He would, therefore, proceed to state very briefly his motives for voting in favour of the Motion of his hon. Friend the Member for Finsbury. The course taken by the right hon. Baronet in the debate on the question then before the House, was certainly not calculated to restrain his hon. Friend from adopting further means to procure justice from the House. In the course of the first discussion on the subject, the right hon. Baronet had carefully abstained from making any amends to his hon. Friend. On the contrary, the right hon. Baronet had allowed some hon. Members who sat behind him on that (the Ministerial) side of the House, to throw out aspersions on the character of his hon. Friend, without any attempt on his part to repress them; but the force of public opinion since then had been brought to bear upon the right hon. Baronet, and he had accordingly shown himself on that evening willing to make those amends, which one Gentleman had a right to demand from another under such circumstances. If the case went still further—and he trusted his hon. Friend would persevere in demanding an inquiry until he obtained all the compensation which a Member of that House and a Gentleman had a right to demand—there could be little doubt but that the right hon. Baronet would be found to advance still further, and to yield that perfect vindication of his character which his hon. Friend had a right to expect. As the case at present stood, he would say his hon. Friend ought not to be satisfied with what had taken place. He had made three distinct charges, each independent of the others. He had alleged that a number of his letters had been opened at three different periods; and he (Mr. Jervis) could collect, from the look of dissent given by the right hon. Baronet, and from the ironical cheer of the noble Lord (Lord Lincoln) who sat near him, that that charge would not be admitted. There was to be no admission from the Government whether the letters of his hon. Friend had been opened or not. But what had the Government done? They countenanced the imputations which had been cast upon the hon. Gentleman, and which had been industriously circulated by their organs of the press. It had been put forward over and over again that his hon. Friend was relying upon a fictitious case which he would be unable to prove—that he had made reckless assertions in his place in Parliament, to the effect that his letters had been opened without his knowledge or authority, and yet all explanation had been refused and opposed by the Government. But there was a point of far more importance than that. The Committee stated that all the warrants which had been produced before them were justified by the emergency of the cases in which they had been issued. But was it proved before the Committee that all the letters of his hon. Friend respecting which he was prepared to offer evidence had been opened under warrants, and that a separate warrant had been issued in each particular instance? Quite the contrary. It appeared, on the other hand, that the matter had not been at all brought before the Committee, and from all they knew to the contrary there might have been but one warrant issued, though his hon. Friend was prepared with evidence to show that his letters had been opened during a considerable period of time. Under these circumstances, was it enough that the right hon. Baronet should stand up and declare that nothing had been communicated to the Government respecting his hon. Friend that was inconsistent with his character as a Gentleman and a loyal man? His hon. Friend had a right to demand more than such an admission. He had a right to say, "I will prove that my letters have been opened, and I will require you to show by what authority the secrecy of my correspondence has been violated." If the Government did not do so, the Resolutions of the House of Commons declared that, under such circumstances, a breach of the privileges of Parliament had been committed. His hon. Friend was, therefore, justified in demanding of the Government to produce their warrants for opening his letters, and of then giving him an opportunity of trying the legality of those warrants in a court of law. Even though his hon. Friend might have been cleared by the right hon. Baronet of any suspicions which might have attached to his character, would that place him in a better position than he before stood before his constituency, and before the country? It was clear that the right hòn. Baronet would not have issued a warrant for the purpose of opening the letters of his hon. Friend without some information having been in the first instance laid before him. The right hon. Baronet would not surely have issued a warrant on mere speculation that the hon. Gentleman corresponded with treasonable parties in the country. No letters containing such treasonable correspondence had been got; and had not his hon. Friend therefore a right to know who the informants of the right hon. Baronet were, or if the Government thought proper to screen themselves behind their official responsibility, had he not a right to drag them into a court of justice, and to there investigate their right to act in such a manner towards him? His hon. Friend had a right to say that, if they did not allow him to prove his charges before the Bar of that House, he would bring his case forward in a court of law, in order to compel the Government to prove the legality of their acts. The apology now made by the Government did not take from the case the sting of the injury which had been done his hon. Friend. He wanted to know on what authority they had acted, and he required of them to produce, at the Bar of the House, evidence of the issue of a distinct warrant for the opening of each one of his letters that they had inspected. The noble Lord had told them that there was no distinction in law between a Member of that House and any other subject of the Crown in such matters. He admitted the justice of that principle; but he thought he understood the noble Lord to say, that if the Government acceded to the Motion of his hon. Friend, they would be equally bound to answer a similar charge preferred by the meanest person in the community. And so they would. But, whatever might be the opinion entertained in that House on that branch of constitutional law, he could tell them that in Westminster Hall there was, he was going to say, but one opinion respecting it; but he forgot that the hon. and learned Gentleman the Solicitor General differed from all his brethren at the Bar on the question. There was no one who did not see that it was wrong to learn the secrets of any man, by a secret inspection of his letters, and to fabricate seals in order to catch him in their snares. If letters were to be opened by authority, why should it not be done aboveboard, and without concealment? Why should not the Government show themselves anxious to carry out the preservation of the peace, by preventing instead of encouraging the perpetration of crime? If his hon. Friend, as he had a perfect right to do, were to prefer an indictment before the Grand Jury of the Old Bailey, against the letter carrier, and if, as would undoubtedly be the case, that Bill had been found, in what case would the Government be then placed? They might then produce the warrant on the trial under which the letters had been opened, and thus ensure an acquittal; but there could be no question that the man was at this moment liable to be indicted. Would the right hon. Baronet drive his hon. Friend and the public to that course? They should recollect that the penal laws connected with the Post Office establishment made it compulsory on the public to send their letters by post. No person could send a letter by private hand without rendering himself liable to a penalty, and they had, therefore, doubly a right to expect that the secrecy of the Post Office should be preserved. Was it to enable the Government to spy into letters that these penal enactments had been passed? No, but for the purpose of increasing the Revenue; and, therefore, the rights of the public should not be violated. It might be said that an apology had been offered to his hon. Friend; but would that satisfy his constituency, or the inhabitants of those towns where the subject was now making a deep impression? Would they believe that apology satisfactory, on reading the articles which appeared on the subject in the organ of the Government, for which it was stated the First Lord of the Treasury was in the habit of writing official articles? He did not mean to say that the fact was so, but an impression existed abroad that parties in connexion with that journal went to the right hon. Baronet, and procured information in possession of the Government. Though the right hon. Baronet (Sir James Graham) must lament the length of time which the case occupied, and would yet occupy, yet he should recollect that he had brought it upon himself, for if he had made a candid statement to the House in the first instance it would long since have been dropped. But so far from doing so, the Government appeared to encourage the continuance of the debate, by the course which they had taken; and for his part he had felt disgusted at the manner in which Members of the Government had cheered the speech of a noble Lord (Lord Claude Hamilton), who occupied a seat on their side of the House. He thought, however, that public opinion had already influenced the course pursued by the right hon. Baronet, and an increased pressure of that public opinion would, no doubt, make him and his Government yield all that was demanded of them.

The Earl of *Lincoln* said, that after the tone and temper which every preceding speaker had adopted in the course of the present debate, and more especially after the very temperate speech of the hon. Member for Finsbury — and than that speech one more candid and fair, or more creditable to the speaker he (the Earl of Lincoln) had seldom heard—he had hoped the House might have been spared such an address as had been delivered by the hon. and learned Member who had just sat down. The hon. and learned Member had thought it not unworthy of his position in the House of Commons to renew against the right hon. Baronet (Sir J. Graham) those insinuations which had been so much dwelt on out of doors; he had thought it not unworthy or unfair in his place in Parliament to repeat against the right hon. Baronet, the charges of individually breaking seals and re-sealing letters, though he knew that the right hon. Baronet, equally with preceding Secretaries of State, was perfectly innocent of any such charge; and that these things had taken place under successive Governments in the same manner, under the same roof of the Post Office, and by the same persons, without any specific instructions on the subject from the Secretaries of State. He well knew that there was no one in the House who was likely to believe that letters were brought from the Post Office to the Home Office; and that his right hon. Friend broke the seals, re-sealed them, and sent them on. No man there believed that; but out of doors there were persons who did believe it; and his right hon. Friend had been most severely and unjustly aspersed by these assertions, which were circulated through the country by the daily press. He should not have risen if the hon. and learned Gentleman had not alluded to himself, and to what he was pleased to call his "ironical cheer to the hon. Member for Montrose." The fact was, his cheer had no relation to the question of whether the letters of the hon. Member for Finsbury had, or had not, been opened under a warrant. The hon. Member for Montrose, in the course of his speech, was proceeding to explain to the House, after having charged the right hon. Baronet with wanting moral courage on this occasion, what his understanding of the term moral courage was, and said that because the right hon. Baronet did not deny the charge that he had opened the hon. Member's letters, he must be considered to have admitted that he had opened them. Now that was not his (the Earl of Lincoln's) interpretation of the term as he understood it with reference to what was the duty of a Minister of the Crown, and that was the cause of his cheering the hon. Member's definition of moral courage; he did not intend in the least to admit or deny, by that cheer, the charge against his right hon. Friend. The hon. and learned Gentleman who had spoken last, and the hon. and learned Member for Cockermouth (Mr. Aglionby), had also charged his right hon. Friend with want of moral courage; and the hon. and learned Member for Cockermouth had instructed his right hon. Friend in the proper course for him to have pursued on this occasion. The hon. and learned Member thought that the proper course for his right hon. Friend would have been to have got up, and said—"I did open the letters, but found nothing in them." But if his right hon. Friend had opened the letters, it was clear from the Report of the Committee that a warrant must have been issued, and no doubt it would have been much more consonant with the feelings of honour and with the high and gentlemanly bearing which every one knew belonged to his right hon. Friend, if he could have taken the course pointed out by the hon. and learned Gentleman; but it must be recollected that there might be circumstances where, whatever might be the feelings of a Minister of the Crown, his duty compelled him to take a different course; and he (the Earl of Lincoln) was satisfied that nothing showed more moral courage than to be able to brave that load of unjust obloquy which his right hon. Friend's sense of public duty compelled him to bear. He had only risen in consequence of the allusion of the hon. and learned Member to his "ironical cheer;" but as he was on his legs, he might be permitted, perhaps, to advert in a few words to the general question before the House. They had been told, on the last evening they discussed this subject, that there was no question of privilege involved in it. A high authority on the Opposition side of the House had said that he considered it was not a question of privilege. Well, then, was it a personal question? This he thought could hardly be now asserted, for every hon. Gentleman admitted that the character of the hon. Member for Finsbury had been completely cleared by what had fallen from his right hon. Friend that evening. Both the hon. and learned Members who had spoken just now had said that it was no personal question, and no question of individual honour; and they too appeared to admit that there was no question of privilege in the case. [Mr. *Aglionby:* I did not say so.] If the hon. and learned Member did not say so, that was the argument, if not the language, of the hon. and learned Member who spoke last. What course, then, was it proposed to pursue? The hon. Member for Finsbury had been cleared of any imputations against his character by the assertions of the right hon. Baronet; the privileges of the House, according to the hon. Member for Weymouth, had not been infringed; and yet it was now proposed to call the Secretary of the Post Office to the Bar; for the purpose of what?—For the purpose of finding matter to criminate him, if possible, and lay the ground for further proceedings against him and other officers of the Post Office; and it was for the same purpose that the hon. and learned Member (Mr. Jervis) said that the House had a right to demand of the right hon. Baronet whether he had issued his warrant for opening the hon. Member's letters or not; namely, in order that the information so obtained might be made use of in a court of law. What then was the object, and what the means by which it was sought to obtain it? The hon. Member said that an illegal opening of his letters had taken place. Was there no more legitimate course of proceeding in that state of things than the one proposed? If an illegal act had been committed, did the law afford no remedy? He (the Earl of Lincoln) could not conceive a more illegitimate mode of obtaining information of this kind, to be used hereafter in a court of law, than that of calling the servants of the Post Office to the Bar. He had not the Report of the Committee by him at the moment, but he perfectly recollected there was a passage in it which stated that the secrecy of private correspondence had been inviolate except under a warrant. The Committee had, therefore, by implication, acquitted the servants of the Post Office of all blame. Under these circumstances he denied there was any reason to call them to the Bar. If the hon. Member wished to put an end to this practice, why not introduce a Bill to repeal the Clause in the Act which had been so often referred to? He (the Earl of Lincoln) was not able to dispute on points of law with the hon. and learned Member; but he was fortified by the law of the Solicitor General, and fortified by common sense, and by the declaration of the noble Lord (Lord J. Russell) on the last occasion when this subject was before the House, that the clause in question did confer the power of opening letters under warrant. If the law was a bad one, let it be repealed; if the practice was bad, let it be abandoned; but he did hope the House would not, after referring the matter to a Secret Committee in the last Session, and refusing the other night to renew that inquiry before a Select and open Committee, now take the still more objectionable course of submitting to examination, before 500 Gentlemen, these public servants, for no purpose that he could conceive, but to revive those acrimonious feelings which he should have thought had entirely passed away, if it had not been for the speech of the hon. and learned Gentleman.

Mr. *Jervis* explained. In what he had said about opening letters, fabricating seals, and re-sealing, he did not mean any thing personal to the right hon. Baronet. He believed the right hon. Baronet found those practices in his office when he came to it.

Mr. *Bernal* had not intended to have spoken again on this question; but as the noble Lord had stated that he had said this was not a qnestion of privilege, he rose to state that he did not swerve an inch from the ground he had taken on the former occasion. He thought that the question stood on much higher grounds than the technical one of privilege; but they had not come to that question yet; this Motion was only clearing the way for that question; for its object was to enable the House to come to the subsequent question of privilege, by bringing these parties to the Bar. He regretted to hear the speech of his noble Friend (Lord J. Russell). Undoubtedly his noble Friend had a right to retract or modify the opinion he had expressed on the former occasion; but his noble Friend must forgive him, if he was not convinced by his argument. His noble Friend said that the supposed degradation of the hon. Member for Finsbury, which induced him to vote as he did on a former occasion, had been wiped out, as he considered, by the remarks of the right hon. Baronet; but he said this was not a sufficient argument to convince him that he ought not to support this Motion of his hon. Friend; and why? His hon. Friend said he fully believed his letters had been opened. He reiterated his charges, and he not having imagination enough to profit by the explanations that have been given by two of the Members of the Committee, could not say that the matter had ever been fairly before the Committee. He was mystified by the explanation of the hon. Member for Kendal (Mr. Warburton), and he confessed he could not see the distinction between the mystery of his explanation and that of the noble Lord (Lord Sandon),—

> "For little difference could he see,
> 'Twixt Tweedle-dum and Tweedle-dee."

He for one believed nothing had been admitted; he was one who believed that no letters had been opened by the warrant of the right hon. Gentleman. His hon. Friend said his letters had been opened. The House ought to see whether they had been opened. In the Report they had the case of the Italian refugees discussed and explained; but there was no proof that the charge of the hon. Member with respect to his own letters had ever been before them. There was no answer, there, to his allegations. There had been nothing said either on this or the former occasion that led him (Mr. Bernal) to a distinct opinion whether the case of his hon. Friend's letters had been made a matter of investigation before the Committee or not. As to the question of degradation, other parties were concerned as well as his hon. Friend. A large and respectable constituency were interested in the question, and he could well believe that the exculpation of his hon. Friend that had been pronounced by the right hon. Baronet might not be sufficient to satisfy their feelings. He thought it was excessively easy to determine this question. Why should not the right hon. Baronet say, "I admit that a letter, or that letters, of the hon. Gentleman on certain specified occasions were opened by warrants from me?" Why did not the right hon. Baronet answer that simple question? He was not desirous of captiously prolonging this debate; but he could not understand by what mysterious atmosphere the Secretary of State for the Home Department was surrounded, which prevented him from giving a direct reply to so plain and simple an inquiry. Was it his oath as a Privy Councillor? Why, the Secret Committee had already disclosed much of the information which had been given before them; and he would repeat that their Report disclosed either too much or too little. He thought it would have been better had the Committee remained entirely silent, rather than have afforded certain information to the House, and withheld other information which the House was anxious to obtain. At the same time, he considered that the responsibility of exercising this power should not be thrown entirely upon the right hon. Gentleman opposite (Sir J. Graham), for that responsibility was equally shared by his predecessors in office. But he certainly could not see what there was in the oaths which right hon. Gentlemen had taken as Privy Councillors, so binding as to preclude them from making a disclosure which had already been anticipated,—from answering the plain question, "Is the allegation brought by the hon. Member for Finsbury true or not?" Has any one letter of his — or more than one letter — been opened by the Post Office; and, if so, have they been opened under warrants from the Secretary of State?" The explanation given by the right hon. Baronet (Sir James Graham) to-night was honourable to himself and equally so to the hon. Member for Finsbury; but yet the right hon. Gentleman had doled out kindness by too small a measure; and he (Mr. Bernal) would recommend him to put an end to this discussion by stating whether he had or had not opened the letters of the hon. Member for Finsbury.

Captain *Harris* was understood to say, that he thought the speech of the hon. Member for Shrewsbury (Mr. Disraeli) had received a full reply from the right hon. Baronet the Secretary of State for the Home Department. He considered that the right hon. Baronet (Sir James Graham) might have prevented the revival of this question, if, during the former debate, he had stated what he had said to-night—that no imputation whatever attached to the hon. Member for Finsbury. Hon. Gentlemen opposite called upon the right hon. Baronet to say whether he had issued a warrant for opening the letters of the hon. Member for Finsbury. The right hon. Baronet was silent; and he thought he was only doing his duty as a Privy Councillor in declining to answer such an inquiry. It must be in the recollection of hon. Members, that during the year 1842 great excitement and agitation prevailed in many parts of the country; and it appeared from the public papers, that in the manufacturing districts the people assembled by thousands, and, he might almost say, by tens of thousands. From the impression produced upon his mind by the addresses then delivered—among others, by the hon. Member for Finsbury, both in that House and out of it—he could readily conceive the right hon. Baronet must have felt that a heavy responsibility rested upon him. Indeed, in such a state of things, the eyes of the whole nation were directed to the right hon. Home Secretary, as the person upon whom devolved the responsibility of preserving the peace of the country. Were they now, long after that excitement had subsided, to turn round upon the right hon. Baronet, and require him to explain how, under such circumstances, he had exercised the powers vested in him? This matter had been treated by some hon. Members as a question of privilege; but, for his own part, he thought that Members of that House enjoyed sufficiently large privileges, and he had a strong objection to extend them. He considered that the right hon. Home Secretary had throughout acted in the strict discharge of his duties; and he believed that if any hon. Gentleman opposite had been placed in the same position, he would have pursued a similar line of conduct.

Mr. *Wakley* said: The hon. and gallant Member who has just sat down, has stated that he considers the right hon. Baronet the Home Secretary has only done his duty. But I should like to know how, in the service with which that hon. and gallant Gentleman is connected, he could determine whether or not a man had done his duty if he did not know in what manner that duty had been performed? Now, what we complain of is, that the right hon. Baronet (Sir J. Graham) does not let us know what he has done. If he would do that, we could determine whether or not he has discharged his duty. The right hon. Home Secretary has relieved this question, in a great measure, from its personal difficulties. He has made a frank, open, and honest avowal; and I do not value that avowal the less because it comes very late. I think my hon.Colleague (Mr. Duncombe) ought to receive that avowal in the spirit in which it has been made—as a distinct and positive declaration that nothing has come to the knowledge of the right hon. Baronet—whether he have opened the letters of my hon. Colleague or not—in any degree reflecting upon the honour of my hon. Colleague as a Gentleman or as a Member of this House. That statement is satisfactory as far as the personal question is concerned—satisfactory it must be to my hon. Colleague, to the House, to his constituents, and to the country. But, in my opinion, that personal admission leaves the great public question untouched. That question remains precisely as it was before; it is not altered in character or in substance; it is in no respect changed. My hon. Colleague introduced the subject in—I must say—an exceedingly able speech; and I was delighted to hear the noble Lord opposite (Lord Lincoln) commend that speech, and say that it pleased him. I hope the noble Lord will be pleased with other speeches on this side of the House, which are spoken with equal candour, though, it may happen, not with equal ability. The right hon. Baronet opposite made an able reply to the speech of my hon. Colleague; and I must say—I do not mean it offensively—that, as a specimen of special pleading, that reply was admirable. I said to myself, "If the right hon. Gentleman had only been brought up to the bar, what an extraordinary eminence he must have attained at an early period of life." But there was one declaration in the speech of the right hon. Baronet which struck me as very peculiar, considering what had transpired. He traced the history of the question through all its windings; and he referred to what occurred on the 2nd, the 16th, and the 18th of July. I think the right hon. Baronet distinctly, positively, and emphatically stated that my hon. Colleague, when he brought this case before the House in the first instance, declared that his letters had been opened; that he repeated that statement on the 16th of July; and that he again repeated it on the 18th of July. [Sir *J. Graham* had stated such a declaration was made by the hon. Member for Finsbury on the 2nd and the 18th of July.] The right hon. Baronet followed up that statement by saying that he had been tried, that his case had been heard before the Committee—that he had disclosed everything that had occurred with reference to the accusation of my hon. Colleague. The right hon. Baronet said that before the Committee, the whole case had been heard, and he added "by the Committee I am honourably acquitted." But how stands the case with regard to my hon. Colleague? I consider that this declaration of the right hon. Baronet has, to a great extent, changed the character of this question, and has thrown the responsibility which previously rested in a great measure upon the right hon. Gentleman upon the Secret Committee. The right hon. Baronet states that the hon. Member for Finsbury alleged, in his place in this House, that his letters had been opened; that a full disclosure of all the circumstances was made before the Committee: and, says the right hon. Baronet, "I went before that Committee, and stated everything, without the slightest reservation." Then comes the Report of the Committee. The right hon. Baronet has said, that he entirely acquits my hon. Colleague of any dishonourable conduct—of everything that could involve his honour and reputation. But, having heard the allegation made by my hon. Colleague, and having heard the statement of the right hon. Baronet as to the issue of warrants, and the detention and opening of letters in consequence of those warrants, what did the Committee do? They did not say one word in their Report with reference to the conduct of the hon. Member for Finsbury, or the accusation he preferred. Then, although the right hon. Baronet acquits my hon. Colleague in the face of the country by the declaration he has made to-night, I contend that that hon. Gentleman stands condemned in the eyes of the country by a Committee of this House. Now, can hon. Gentlemen be content, on public grounds, to allow a Member of this House to remain in such a position as that in which my hon. Friend is placed by the conduct of a Secret Committee of the House? In my opinion, the Secret Committee has acted most unfairly by my hon. Colleague; and it should be a useful lesson to us never again to confide our privileges and powers to any Secret Tribunal of this House, whatever may be the character or ability of the individuals who compose it. I certainly consider that, after the declaration of the right hon. Baronet (Sir J. Graham) that he stated unreservedly before the Committee what had been his official conduct with reference to the accusation preferred by the hon. Member for Finsbury, the question cannot by possibility remain where it is; but that you are bound to accede to the Motion of my hon. Colleague, and compel the parties at the Post Office to come to the Bar of this House, and state under whose authority they acted in opening his letters. If this course be not adopted by the House, can it be said that we value our own privileges? In disregarding our own privileges, we disregard the interests of the people; for no privilege of this House was ever created, or could ever be sustained, which was not created for the interests of the community at large. It is not for the benefit of individual Members of this House that these privileges had been created, but for the advantage, welfare, and protection of the community. If the right hon. Home Secretary has issued warrants for the opening of letters, and if he acted legally in so doing, where is the difficulty in his making a statement to that effect to the House? If he has had letters opened without a warrant, I can easily conceive that he will be very hostile to any further inquiry; but ought this to induce the House to relax in its determination to investigate this subject? I have observed, in a report which appeared in the public papers to-day of the proceedings in another place, that a Minister of State for Foreign Affairs declared that the opening of letters of foreigners in this country was no act of his, but that it was done without request on his part. He stated that they were opened and sent to him, and that he felt it his duty to act upon the information he obtained from them, and to communicate some portions of that information to a Foreign Government. The question now assumes great importance in the eyes of the public; and whatever we may think in this House, whatever impression hon. Members may entertain, I can assure them that the people out of doors will not and cannot be satisfied, until this matter has been sifted to the bottom. The public desire to know under what authority letters have been opened;—they wish to know if the practice has been in conformity with the law; and if the law has been broken, they desire to know where the responsibility lies. The word responsibility is frequently repeated in this House. A Minister says he does a thing upon his own responsibility; but I could never discover what shape that responsibility assumes, how you can catch it, or where you can find it. The right hon. Baronet the Home Secretary has here acted upon his responsibility; but we do not know how he has acted; he will not tell us what he has done. He states that he has communicated to a secret tribunal all that he has done; but though my hon. Colleague has been tried by that tribunal, they have not said that he was free from suspicion and guilt; he, therefore, stands before the country in a worse position than that in which he was placed before the right hon. Baronet made his speech to-night; for that right hon. Gentleman has distinctly asserted that there was no part of his conduct with reference to my hon. Colleague which he did not communicate to that Committee. As such a reflection rests upon my hon. Colleague through the silence of the Committee, I consider that, although the personal question is entirely set aside, the House is bound to pursue the inquiry until it has ascertained correctly whether the law has been violated, and under whose authority the letters of Members of this House, or of other persons have been detained and opened.

Sir *R. Peel*: There was, Sir, one part of the speech of the noble Lord the Member for the City of London (Lord J. Russell) which I heard with peculiar satisfaction. I understood the noble Lord distinctly to state that while he differed from the Government as to the propriety of the course they had pursued of opening any letter for the purpose of promoting other than our own domestic and peculiar interests, yet, that in the case of the letters of

Mr. Mazzini he did think that the explanation given on the part of the Government, namely, that they had been no parties to any proceedings which might involve the personal safety of refugees in this country, was perfectly and entirely satisfactory. We did regret, certainly, to hear the expression of the noble Lord on a former occasion, and we hoped that the explanation which we had given was generally satisfactory; but no part of the discussion could have given to me or to my Colleagues greater pain than that which should have left an impression that we had combined with any other Power, for the purpose of encouraging a foolish project, of which the success was most improbable, in order that we might increase the strength of that Power. I can only say, that I think had we done so, that it would have been a gross abuse of the power committed to the Government. I think if we had been a party to any such proceeding, on the part of the refugees, that our conduct would have rendered us liable to the severest condemnation; but I go further, and say that if we had suspected that the proceedings of the refugees were likely to endanger their state, and that we had the power, by timely warning, of preventing danger resulting either to themselves or to the State—I say that, in such circumstances, it would have been our duty, as public men and Christians, to have given that timely warning. I understand, however, from the noble Lord, that that power is not in any case to be made subservient to the interests of Foreign countries; still I think that the explanation on that particular point on which our conduct was questioned, has been entirely satisfactory. The House will recollect that we commenced these discussions in consequence of an imputation of the hon. Gentleman that we were responsible for the blood of those unfortunate persons. I hope that the explanation which we have given will be satisfactory to the hon. Gentleman himself, and that he does feel that that imputation, which would have been most painful to us, had there been any foundation for it, was groundless. Sir, I won't discuss with the hon. and learned Gentleman the question which he has again agitated to-night, as to whether or no the issue of warrants could be successfully maintained in a court of law. That would, I think, be beside the present question. For suppose the hon. and learned Gentleman's position to be maintainable in a court of law—suppose that these warrants are not recognised or warranted by Statute or by Common Law, yet I think that the House will feel, if that be the case, that Parliament and not the Executive Government is responsible; for, if ever a course were pursued tending to involve the Executive Government in a snare, it is that which Parliament has pursued on this point. They are cognizant of the practice of the Executive Government—they know that the Executive Government does, either by Statute, or by Common Law, or by prerogative, exercise the right of opening letters; they do not give that right certainly by the Statute Book, but they introduce words into the Statute which confirm the impression of the Government that from some principle or other they have the power; because they say distinctly that the Post Office shall be punished for opening letters unless they be opened by warrant from the Secretary of State. I say, therefore, if we—if Mr. Fox—if all Ministers since the Revolution have been wrong in exercising that power, Parliament and not Ministers is responsible. Your remedy is to clear up all doubt by declaring by Statute that no such power exists, or should exist, and then proceed to say that it shall not exist. But I will not mix up the question for discussion this evening with that other question, as to whether the power is one that should continue to be exercised. Let us reserve that until the proper occasion. I will only say that I think it is proper that such a power should be maintained for the reasons given by the noble Lord, and though I think it would be dangerous to state in a public proclamation that the facilities of the Post Office shall be given at all times and under any contingencies —though I think that that would be a dangerous doctrine practically to maintain, yet there is no limitation in the possible abuse of that power which I should not be ready to assent to. The proper question for consideration to-night, however, is whether or no there shall now be a public inquiry at the Bar with respect to the alleged opening of the letters of the hon. Member for Finsbury Some hon. Gentlemen, who have spoken recently, have imputed to us that we made a charge against the hon. Gentleman—that we are not the defendants, but that the hon. Gentleman is the defendant in this case, being charged by us with improper transactions leading to the opening of his letters. Not one word of the kind has ever been said by us. We have no accusation against him. He himself it was who publicly declared (relying, as it would appear, upon information which he had received from the Post Office), either that his letters had been opened, or that he strongly suspected the fact; and I believe if the hon. Gentleman had not made that declaration, that no one would have known that he had the slightest ground for the suspicion. The question then is now — whether in consequence of the suspicion entertained by him, we shall or shall not summon the officers of the Post Office to the Bar of this House, and institute a public inquiry. It has been admitted in the course of this debate, that the hon. Gentleman, though a Member of Parliament, stands in no different position from any other subject. ["No."] I don't say that every one in the House is of that opinion, but I think that every one who has spoken has admitted that, so far as the present question is concerned, there is no distinction between the hon. Gentleman and the meanest subject of the realm. The hon. and learned Gentleman (Mr. Jervis), at any rate, made use of that expression. I won't say that there is not any difference between a Member of Parliament and an ordinary subject in all cases; because I say that, if any Government were to exercise this power, and were to examine the correspondence of a Member of this House because he was a political opponent, it would be impossible to deny that the abuse would be infinitely exaggerated by such a perversion of power. I say that it would be indeed what the hon. Gentleman describes it—"a base, mean, and dishonourable exercise of power," if for the purpose of invading the free exercise of an opponent's privileges, his letters were subject to the scrutiny of the Government. Apart from this, with reference to this evening's discussion, I see no difference between a Member of Parliament and any other person who alleges that his letters have been opened. Let me ask you then when you call on us to answer the allegation made by a Member of Parliament, will you not admit that if it had been brought by any other subject, not a Member of Parliament, we should be under an equal obligation to answer that question? Suppose that my right hon. Friend answers the hon. Member's question, or admits in his case that there shall be an examination at the bar, let me ask you this question: "After answering the hon. Member's question, after admitting evidence at the Bar, if a petition be presented from another person, not a Member of this House, making no stronger allegations than the hon. Gentleman does, alleging merely that he suspects his letters to have been opened, declaring confidently that he can prove it, will you not then recognize an equal right upon his part to demand an answer, and to have an inquiry?" Suppose a petition should be presented in the course of next week (and that the Government had acquiesced in this proposition), saying, "I perceive in the case of one of your own Members, that the Government has answered his question, and has instituted an inquiry at the Bar; I am not a Member, I am not protected by your privileges; I have not the same influence and authority that the hon. Member has; I am not supported by party connexions, but I make the same allegations. I suspect that my letters have been opened, and I demand an inquiry." Could you refuse it? Could you then say "but this is a breach of privilege?" I say, that in each case, without the proper authority, it is a high misdemeanour, punishable by law; I could not say the contrary, nor could you, after having set the example of an inquiry in the case of one of your own Members. You must then call upon my right hon. Friend to answer other questions; Colonel Maberly must be again called to the Bar—other inquiries must be instituted. This will not apply only in one individual case, but make up your minds to repeated allegations of the same nature, and to the frequent rendering of similar inquiries. Now, I must say, as I have said to my right hon. Friend, that this is no personal question, so far as my right hon. Friend is concerned. I claim a full participation in his responsibility. I consider each Member of the Government as responsible for the exercise of this power as my right hon. Friend; and I should be ashamed if I attempted to transfer any part, either of the responsibility or the unpopularity, from myself, or from other Members of the Government, to the shoulders of my right hon. Friend. Now, let me ask you, if you admit my position, that this question once answered and this inquiry once instituted, there you can't stop, but must deal out an equal measure of justice to others, let me ask whether you can't find a reason for my right hon. Friend declining at the outset to answer such a question? It is not fear—it is not the want of moral courage—it is not a desire (as the noble Lord imputes to us) of consulting our own dignity, but it is a sense of public duty, and a foresight of the consequences of a first acquiescence, which induce my right hon. Friend and his Colleagues to decline answering this question. Would you attempt to subject us to those fresh explanations, to those fresh questions, and to that fresh necessity of answering them, to which I have alluded? Then let me ask you whether the conduct of the House of Commons has been consistent with the first principles of justice? You said last year that there were suspicious circumstances attending this exercise of power. The public mind was excited on the subject, and indignation was concentrated against the Government, which was supposed to have adopted some new rule upon this subject. We said:—"Seeing the prevailing opinion of the House, and the state of the public mind, we think it is desirable that a full and complete inquiry should be made into the practice of those who have issued these warrants. Our opinion is, in order that the explanation may be full and complete, that that inquiry ought to be before a Secret Committee." Some very few dissented from that opinion. But the opinion of this House in favour of a Secret Committee, as compared with any other tribunal, was so predominant, that there was no division upon the subject, and, without the record of an opposing sentiment by vote, the House of Commons determined to have a Secret Committee. There were some, whose opinion is justly entitled to the highest respect, who declared peremptorily their preference of a Secret Committee; the noble Lord declared his opinion to be in favour of a Secret Committee. A Secret Committee was appointed, and though you now charge us with having nominated the Committee, you can't, at any rate, deny the fact, that out of nine, five were Members not only sitting on that side of the House, but were Members who had recorded their votes against us on the critical question, when the majority was exceedingly small. You had, therefore, five Members on your Committee who had not only generally opposed us in politics, but who had recorded their previous opinion upon this subject against Her Majesty's Government. Confiding in your declared opinion that that was a fair tribunal, and that that Committee ought to be a secret one, every Secretary of State went before it, and gave the fullest information in his power with respect to the issue of warrants. There was not a fact connected with that subject which was withheld from the knowledge of that Committee. The hon. Gentleman had the fullest opportunity of appearing before that Committee. He stated his reasons afterwards for not appearing; still he certainly had an opportunity of appearing before it. Evidence was given in reliance on your intention of having that tribunal a secret one. Then that Committee made a Report which will clearly enable many persons to come forward and allege their suspicions that their letters have been opened; for the Report states that—

> "During the outbreak in the manufacturing and mining districts which took place in August, 1842, in the week of the greatest anxiety a clerk was sent down from the London Post Office, with directions, under the authority of the Secretary of State's warrant, to open the letters of six parties named therein, all taking a prominent part in the disturbances of that period. In the same week, the same clerk was directed, under authority of two other such warrants, to open the letters of ten other persons named, and a fortnight later to open the letters of one other person; making seventeen in all. Most of the persons whose letters were ordered on this occasion to be opened, were indicted, and many both indicted and convicted, before the Special Commission appointed to try the parties concerned in those disturbances. With one exception, these warrants were issued between the 18th and 25th of Augst, 1842, and they were all cancelled on the 14th of October."

I say, then, by the frankness and unreservedness of our explanations before that Committee, and by the publication of the fact as to the dates of the warrants, and as to the circumstances that some of the parties were indicted and condemned, that you have enabled them to make the allegations to which I refer; you have enabled them to come forward and to present petitions, stating to the House, that after examining the Report of the Committee—seeing that parties were subsequently indicted—seeing that the period is given for whic the warrants were issued, they were enabled to state that they had a strong suspicion that their letters had been opened; and in that event, I ask you, will you admit that there should be an inquiry in their case? [" Yes."] No; but will you, on the presentation of such a petition, call on the Secretary of State to say whether he issued the warrants, and if he declines answering, will you have an inquiry at the Bar? [Mr. *Duncombe:* That would not be a breach of privilege.] Now, the hon. Member falls back on his privilege. The hon. Gentleman is so pressed by my argument—he feels that I have proved so completely that once open an inquiry in this case, and you cannot limit it to that, but must go into others, that he is now obliged to draw a distinction and say that this is a breach of privilege. [Mr. *Duncombe:* I always did say so.] Yes; but I say, that the House has distinctly said, that in this question there is no difference between the hon. Gentleman and the meanest subject of the realm. I will, therefore, continue to try the question under this aspect. A petition is presented by a Member; you appoint a trial at the Bar upon the general allegation — not upon the proof of any opening of letters; but upon the allegation that the petitioner thinks he can prove that his letters have been opened; in that case, you have appointed an examination at your Bar. Then comes another person; he says, " I have no remedy by law, I cannot prove against the officers of the Post Office that they have opened my letters, but I strongly suspect, from the publication of the Report of your Committee, that I am one of the parties referred to. I ask you to give me the same advantage which you have given to one of your own Members; rescue my character as you have rescued his; call the officer to the Bar of the House; ask him to show that he had a legal warrant for examining my letters, and if he had not, let him be punished." In such a case it would be vain, I say, to attempt to draw any distinctions of privilege. The hon. Gentleman does not bring forward the question as a breach of privilege, and I believe that he could not maintain it as a breach of privilege. I say that you will have acted most unjustly towards the Government, if, after making us disclose all the evidence that we could give, telling us " that the tribunal which you established was fair and impartial"—inducing us to tell them all they knew; if, after such an examination they acquitted us of any improper motives, you should now say, that that acquittal was not complete, and should attempt to institute an inquiry at the Bar: declaring that you think we should not be individually responsible for the exercise of this objectionable power, surely, you won't confine the examination at the Bar to one particular case. I should think you would prefer a much more liberal and extended policy; you would say, " We were wrong in selecting a Secret Committee; we want to ascertain what has been the conduct of other Governments; and the examination so instituted at the Bar shall be a full and complete examination, and shall at least extend as far back as 1822." Could you in justice refuse that when Colonel Maberly was brought to the Bar he should be questioned regarding every accusation? If an hon. Member on your side of the House should extend his inquiries of Colonel Maberly beyond the limits of the hon. Member's letters, would you call upon the Speaker to interdict such inquiries and to say, " Colonel Maberly was called to the Bar for a specific purpose, and the inquiries put to him must not extend beyond that?" Why it would be impossible, consistently with common justice, or with your own declaration, that you should do so. Depend upon it that the inquiry cannot be limited to the letters of the hon. Member for Finsbury. It is not an individual inquiry that you are about to institute; you must extend it to every petitioner who can make out that he has a good *primâ facie* case (and I cannot conceive the man who cannot make out as good a *primâ facie* case as the hon. Member) — you must extend it to every one who can tell you that he is labouring under an unjust imputation, and asks you to rescue his character from the suspicions that he imagines to have been cast upon it. So far you must go in justice to the public; but you must go further in justice to the Government, and you must extend this public inquiry at the Bar at least to the warrants which are in existence since 1822. I do not see how the Members of any former Government can deprecate that course. I do not believe that this power, when exercised by the noble Lord, was exercised except for honest and public purposes. I am as firmly convinced of that fact as I am that I am now addressing the House of Commons; and, so far as I can judge from their Records, I am confident of it. I do not suppose the noble Lord would deprecate inquiry from any personal views; but do you think it would be advisable to insist upon such an inquiry at the Bar? I speak not of the consumption of public time, because I know it is very properly said, that upon the occasion of great constitutional questions you cannot do better than occupy the time of Parliament by clearing them up; but my firm conviction is, that you will not nor can you have a more full and complete inquiry than you have had. I wish to convince the House that you cannot limit inquiry to an individual case; and that, if you insist upon inquiry, you are bound to examine every charge that may be made to contrast or to conflict with the conduct of past Governments. And the examination you are about to enter upon, if the Motion be carried, is therefore much more extensive than you suppose. If last year you thought a Secret Committee was the best tribunal, certainly by having a Public Committee now, where every name must be published, where the Secretaries of State must justify every warrant, and account for every transaction which was the result of each warrant,—you contradict your own former views, and commence a much longer inquiry than you then thought necessary. I state, then, that reason and a sense of public duty—and not the apprehensions of any consequences personal to ourselves—compel us to say, " We have already gone before the tribunal you have appointed, and we think you ought to be satisfied with our explanation; we cannot enter into details which we did not enter into then." Upon these grounds I must give my opposition to the Motion. I do not think it consistent with justice that we should be called upon to enter again on our defence; and I do not think it consistent with prudence or public policy to enter into an extended examination. Here, Sir, I should close if I had not heard the speech of the hon. Gentleman who seconded the Motion. I do hope, that having discharged himself of the accumulated virus of the last week, he now feels more at ease than he was. If that is so, he need not be disturbed by any impressions on his part that he has at all interfered with my peace of mind in consequence of the attack he has made. I tell the hon. Gentleman at once that I will not condescend to reciprocate personalities with him. Neither now nor after the lapse of a week will I stoop to reciprocate them—I feel no inclination for the practice. I also feel, Sir, that in this respect the hon. Gentleman would have a very great advantage over me, because he has leisure to prepare his attacks. I have often heard from that hon. Gentleman observations of a very personal nature against myself. I have often heard them made from immediately behind me, but I never felt it necessary to notice them, and I should not have noticed them the other night if it had not been that the hon. Gentleman who seconded a Motion, of which he entirely disapproved, said he did it in a friendly spirit. That alone induced me to notice his remarks; but in the course of that speech he charged me with having appointed to office an hon. Gentleman who had been concerned or connected with a plot, which I was obliged to repel. I will not, however, make any further reference to that, because the hon. Gentleman made a full and ample reparation. He was betrayed into an error, but he made all the reparation in his power. I at once frankly aver that, and not one word more shall I say upon the subject. But the declaration of the hon. Gentleman that he seconded the Motion in a friendly spirit, made me partake of the feelings which ran through the House, which we have no word to describe, but which in the French Chambers are called *mouvemens divers*—feelings partly partaking of the nature of a shudder and partly of a laugh, when the hon. Gentleman said he seconded the Motion in a " friendly spirit." I assure the hon. Gentleman I have not the slightest wish to fetter his independence, or the independence of any other Member of this House. Every man man must be the guardian of his own independence; and if the hon. Member disapproves either of the acts of the Government, or disapproves of the general policy of the Government, he must censure the act, and he must condemn the Government. I have here no right to prevent the hon. Gentleman from following an independent course of action. I court no man's favour. I think I do understand the relations in which a Minister ought to stand towards those who give him their general support. I think he ought, while he possesses it, to be proud of their confidence; but I think he ought to incur the risk of losing that confidence by taking the course which he believes to be for the public interest. That is the course I have taken, and that course I will continue to take. If you think that any acts of mine are at variance with the policy which I supported in the year 1834 in Government, or have supported since, let those acts be examined, vote against them, and condemn them. If you think, in respect to the Church, that any course pursued by the Government has endangered that institution, censure and oppose the particular act. If you think we have, at variance with our principles, greatly extended popular privileges, or infused the fresh blood of democracy into the working of the constitution, tell us so, and oppose us. If you denounce our commercial or financial policy, oppose the particular act. If the combination of our misconduct is such that you think we are no longer entitled to confidence, mark your want of confidence by a public declaration of opinion and by distinct opposition to us. I should regret the loss of that confidence to which the hon. Gentleman refers; but I freely say that, as the Minister of the Crown, I will attempt to do good as far as I can, and if, in attempting to accomplish that, I forfeit the confidence which I have so much prized, I will submit to the loss rather than retain confidence at the expense of the public good. If, as I said before, our general policy is objectionable—if it is not Conservative, if we are injuring the rights of property or the prerogatives of the Crown—if we are undermining either civil or sacred institutions, prove that we have done so, and withhold your confidence from us. The hon. Gentleman has referred to the relations in which I stood to the late Mr. Canning; but if he thinks upon that account he is fairly entitled to withhold his confidence and respect from me, he ought not to have waited for a quotation from a poem of Mr. Canning's to open his eyes to my misfortune. The hon. Gentleman must have been perfectly aware, in the year 1841 and subsequently, of my relations towards Mr. Canning, and of the course I pursued with regard to that eminent and distinguished statesman; and the knowledge of that course, and not an accidental quotation from a poem, ought to have lost me the hon. Gentleman's confidence and respect at a much earlier period. But, as I said before, it is not my intention to reciprocate personalities with the hon. Gentleman. I do not wish in the slightest degree to fetter his independence, or the independence of any other man who may sit upon this side of the House; but again I repeat, that being in the position which I fill, I will pursue that course which I believe to be for the public interest; and if, in pursuing it, I subject myself to the hon. Gentleman's vituperation, or to the much heavier penalty of diminished confidence upon the part of others, that penalty I am ready to pay, and submit to the consequences.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 188; Noes 113: Majority 75.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Antrobus, E.
Arbuthnot, hon. H.
Archdall, Capt. M.
Arkwright, G.
Arundel and Surrey, Earl of
Astell, W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baird, W.
Baring, hon. W. B.
Baring, rt. hn. F. T.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Benbow, J.
Bentinck, Lord G.
Beresford, Major
Blackburne, J. I.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. W.
Bunbury, T.
Burroughes, H. N.
Cardwell, E.
Carew, W. H. P.
Cholmondeley, hn. H.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cochrane, A.
Cockburne, rt. hn. Sir G
Collett, W. R.
Colvile, C. R.
Corry, rt. hn. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Douglas, Sir H.
Drummond, H. H.
Duncombe, hon. A.
Du Pre, C. G.
Eastnor, Visct.
Egerton, Sir P.
Entwisle, W.
Escott, B.
Fellowes, E.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Grogan, E.
Hale, R. B.
Halford, Sir H.
Hamilton, G. A.

Harris, hon. Capt.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, rt. hn. S.
Hervey, Lord A.
Hinde, J. H.
Hodgson, F.
Hogg, J. W.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Kemble, H.
Lambton, H.
Langston, J. H.
Lascelles, hon. W. S.
Lawson, A.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lowther, Sir J. H.
Lygon, hon. G.
Mackenzie, T.
Mackenzie, W. F.
McNeill, D.
Mahon, Visct.
Manners, Lord C. S.
Martin, C. W.
Martin, T. B.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neville, R.
Newdegate, C. N.
Nicholl, rt. hn. J.
Norreys, Lord

Owen Sir J.
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Powell, Col.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, Lord J.
Russell, C.
Ryder, hon. G. D.
Seymour, Sir H. B.
Shaw, rt. hn. F.
Sibthorp, Col.
Smith, A.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Somes, J.
Spooner, R.
Stewart, J.
Stuart, W. V.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, G.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Vane, Lord H.
Villiers, Visct.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

List of the NOES.

Aglionby, H. A.
Bannerman, A.
Barclay, D.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. H. F.
Bernal, R.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowring, Dr.
Bright, J.

Brocklehurst, J.
Brotherton, J.
Buller, C.
Busfeild, W.
Butler, hon. Col.
Byng, rt. hon. G. S.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Childers, J. W.
Christie, W. D.
Clay, Sir W.
Cobden, R.

Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Dalrymple, Capt.
Dawson, hon. T. V.
D'Eyncourt, rt. hn. C. T
Divett, E.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Dundas, Adm.
Dundas, F.
Ebrington, Visct.
Ellis W.
Evans, W.
Ewart, W.
Ferrand, W. B.
Forster, M.
Fox, C. R.
Gisborne, T.
Hallyburton, Ld J. F. G.
Hanmer, Sir J.
Hastie, A.
Hawes, B.
Heron, Sir R.
Hill, Lord M.
Hindley, C.
Horsman, E.
Howard, hn. C. W. G.
Howick, Visct.
Hume, J.
Humphery, Ald.
Hutt, W.
James, W.
Jervis, J.
Leveson, Lord
McTaggart, Sir J.
Mangles, R. D.
Manners, Lord J.
Marjoribanks, S.
Marshall, W.
Marsland, H.

Milnes, R. M.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Norreys, Sir D. J.
O'Connell, M. J.
Osborne, R.
Paget, Col.
Paget, Lord W.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Protheroe, E.
Pulsford, R.
Rawdon, Col.
Rice, E. R.
Roche, E. B.
Roebuck, J. A.
Ross, D. R.
Rumbold, C. E.
Russell, Lord E.
Smith, J. A.
Stanley, hon. W. O.
Stansfield, W. R. C.
Strickland, Sir G.
Talbott, C. R. M.
Tancred, H. W.
Thornely, T.
Trelawney, J. S.
Turner, E.
Villiers, hon. C.
Vyvyan, Sir R. R.
Wakley, T.
Wallace, R.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
Williams, W.
Winnington, Sir T. E.
Wood, C.
Wyse, T.

TELLERS.

Duncombe, T.
Disraeli, B.

SUGAR DUTIES.] Order of the Day read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. *Hogg* said, that before he drew the attention of the House to the Motion of which he had given notice, he must first discharge the agreeable duty of expressing to the right hon. Baronet at the head of the Government his grateful thanks, and the grateful thanks of every person connected with India, for the great boon conferred upon that country, upon the West Indies, and upon the country at large, by the reduction of the Sugar Duties; and it was not without much reluctance that he offered any objection to the details of the measure. The Resolution laid upon the

Table by his right hon. Friend the Chancellor of the Exchequer, imposed a duty of 16*s*. 4*d*. upon white clayed sugar, or sugar rendered by any process equal to white clayed, not being refined; and a duty of 14*s*. on brown sugar, being Muscovado, or clayed, or on any other sugar not being equal to white clayed. Now, neither he, nor those on whose behalf he appeared, made any objection to the abstract justice of classifying sugars; it was perfectly fair and perfectly just that sugars of a higher quality, and commanding a higher price, should be subjected to a higher duty. He objected, not to the principle, but to the proposed application, which would operate most unjustly towards sugars the produce of India. Hon. Members who had not turned their attention to the subject, might not be aware that anterior to the year 1836, there had always been a discriminating duty of 10*s*. on East India sugar, in excess of the duty on West India sugar. While the East India Company had the exclusive right of trading with India, there might have been some reason for that duty; but after the year 1833, when the trade to India was thrown open, there no longer remained any excuse for continuing the additional duty on East India sugar. The noble Lord, and right hon. Gentlemen opposite, when in office, in 1834, declared that upon principle there was no ground for maintaining a differential duty between East and West India sugar; and the right hon. Baronet now at the head of Her Majesty's Government, expressed the same opinion in language equally strong. But although it was thus admitted, that upon principle these discriminating duties could not be supported, it was urged, and he (Mr. Hogg) thought fairly urged, that the then peculiar state of the West Indies required their continuance for a short period longer. In 1836, Lord Monteagle, then Mr. Spring Rice and Chancellor of the Exchequer, stated, that the time had arrived when justice to India required that there should be an equalization of duties on sugar from the East and West Indies; and when that measure might be introduced without injury or danger to the West Indies. Since that period the duties had been the same, and all that he contended for was, that such equality should not be disturbed. His objection to the proposed discriminating duty was, that colour, and not quality, was the standard; and the results would be, that the poor and weak East India sugars would be subject to the high duty; while the rich, strong sugars of the West Indies, superior in grain and saccharine matter, and bringing higher prices, would come at in the low duty, because they were brown. To make this intelligible to the House, he must beg their attention to the peculiar mode of manufacturing sugar in the East Indies. In order to remove the impurities, it underwent a process of filtration through wet grass, which, while it improved the colour, detracted from the strength, and diminished the quantity of saccharine matter, thus rendering the sugar intrinsically less valuable. Speaking generally, the sugars from the West Indies underwent no process to remove the impurities—he was aware that sugars were sometimes clayed in Demerara and Barbadoes; but he was correct in stating, generally, that the West India sugars underwent no process to improve their colour, and would, therefore, all come in at the low duty. The proposed discriminating duty would, therefore, subject to the higher duty the poor weak East India sugar, because it had the misfortune to be white; while the rich, brown, West Indian sugar, superior in grain, strength, and saccharine matter, and fetching a higher price, would come in at the lower duty. So completely was colour rendered the test, that the West India sugars, though clayed, might come in at the low duty, if the planters managed to retain their brown colour. In fine, the proposed scheme seemed to him equivalent to an enactment that all sugars from the East Indies should be subject to a duty of 16*s*. 4*d*., and all sugars from the West Indies to a duty of 14*s*. He might be told, "You call the East India sugar weak and poor, but with all its poverty it bears a good price." Now, there was some truth in that; it bore a price beyond its intrinsic value, and he would explain why. The East India sugar from its colour was in demand among the grocers, for the purpose of mixing with the strong, but dark, sugars from the West Indies. He understood that every grocer had a mill, for the express purpose of mixing the rich, yellow, West Indian Muscovado sugar, with the poor, but white, East Indian sugar, and that the compound formed the article of general consumption. The whole of the East Indian sugars were thus used for general consumption; none of them went to the refiner. Now, mark the operation of the proposed discriminating duty. The West Indian sugars, which, from their abundance of saccharine matter, were used by the refiner, and consumed by the rich, would be admitted at the low duty; while the East India sugars, which went into general consumption among the middling and poorer classes, would be subjected to the higher duty. He would tell them what would be the result of such a measure. Orders would be sent out from this country, to those engaged in the manufacture of sugar in India, "Don't send us any longer a pure white sugar, that will be subjected to the higher duty, but send us a black, dirty, impure Act-of-Parliament sugar, that will be admitted at the lower duty." Such a discriminating duty, so imposed, would have the effect of holding out a bounty for the production of impure and inferior sugar, and would check the improvements which experience and an increased knowledge of chemistry would otherwise introduce; there would no longer be any encouragement for the production of sugar which, without further process or expense, was fit for general consumption. Those who could not afford to purchase refined or lump sugar, would be compelled to use a very inferior and impure article. Now, he contended that this ought not to be the case; and that the competition among manufacturers ought to be, who would produce the best and cheapest sugar in a state fit, without further trouble or cost, for general consumption. The only ground upon which he could conjecture that his right hon. Friend could defend the proposed discriminating duty, was upon the principle of imposing a duty on the manufactured article, and allowing the raw material to come in cheap; but that principle did not apply. Brown or Muscovado sugar was not the raw material — it was the manufactured article; and the competition that ought to be encouraged by Government was, who could make the purest and best sugar fit for use, and not who could introduce the greatest portion of saccharine matter in a state unfit for general consumption. He might be told that his argument was founded on the assumption that colour, and colour alone, was the criterion established by the Resolution on the Table. He admitted that, and contended that such assumption was strictly correct. Before he gave notice of his Motion he had mentioned to the Chancellor of the Exchequer the fears entertained by himself and the East India merchants. He had said, "We don't object to the principle of your measure; but its application will be most unjust as regards the East India sugars; remove our apprehensions, and instead of saying 'equal to clayed sugar,' introduce the word 'quality,' and say 'equal in quality to clayed sugar;' and then define quality as consisting of the elements of colour, grain, and saccharine matter, and we shall be perfectly satisfied." His right hon. Friend refused to make that alteration, and he was therefore compelled to bring the subject before the House. It is true, that his right hon. Friend assured him that his fears were groundless, that colour alone would not be the criterion, and that instructions to that effect should be issued to the Custom-house officers. It was very satisfactory to him, individually, to receive such an assurance; but interests of such magnitude could not be permitted to rest on the verbal assurance of any Member of the Government, or upon instructions about to be issued to Custom-house officers. He had said to his right hon. Friend, "Put what you now say within the four corners of an Act of Parliament, and give the East India merchants the security of the law before they invest their capital." Those interested in the importation of sugar, were the best judges of the meaning and probable result of the proposed measure. A few evenings ago he had presented a petition on the subject from the East India and China Association, comprising, he believed, all the mercantile firms in London, connected with the trade to India. That association was managed by a Committee of twenty; and he was authorised to state that the petition had been seen and approved of by eighteen out of the twenty. He told them that the objections they raised and the arguments urged in that petition, would probably lead to doing away with any classification of sugars, and the admission of all sugars, not being refined, at the same duty. He explained to them fully, that if such were the result, the East India sugars would have to compete with the sugars of Java and Manilla, with a protection of only 9*s.* 4*d.*, instead of 11*s.* 8*d.* as afforded by the proposed measure. They, one and all, said, that they would rather give up the additional protection against the sugars from Java, Manilla and China, than submit to the injury and injustice of a scheme that would impose a higher duty generally on sugar from the East, than on those coming from the West Indies. The right hon. Baronet (Sir R. Peel), when intimating the quantity of sugar likely to be imported this year, said that he expected

70,000 tons from India; and it was strange, that when estimating the entire quantity likely to come in at the higher rate of duty, he stumbled on the same amount, viz. 70,000 tons. Indeed it was obvious, that unless nearly the whole of the sugars from the East Indies were subjected to the higher duty, the amount of revenue expected by the right hon. Baronet could not be realised. He would proceed to show that he was not idly speculating upon dangers to be apprehended. The East India merchants wished to avoid difficulties and disadvantages to which they had before been subjected, under similar, though less injurious provisions. In 1819, a duty of 5*s.* per cwt. was imposed on white or clayed sugar of the West Indies, in excess of the duty imposed on brown or Muscovado sugar. No distinction was then made between the sugars from the East Indies, all of which were subjected to a discriminating duty of 10*s.* This distinction between the clayed and Muscovado sugars from the West Indies, gave rise to endless difficulties and complaints, and was finally abolished in 1825. In 1821 a like distinction was made between the sugars from the East Indies. The words were "Sugar clayed, or otherwise refined, so as to be equal to the quality of clayed, were to pay a duty of 2*l.* 5*s.*, and the brown or Muscovado sugar, a duty of 2*l.*" But Parliament was then more honest, and distinctly stated, that the intention was to increase the duty generally on East India sugars. The Preamble was as follows,—

> "Whereas it is expedient to increase the duties of Customs payable on sugars, the growth, produce, or manufacture of the East Indies."

Now, he begged the attention of the House to the words used in this Statute. The additional duty was imposed on clayed sugar, or sugar equal in quality to clayed, introducing the word "quality," which was omitted in the proposed Resolution, and which his right hon. Friend persisted in refusing to introduce. He would show, from official documents in his hand, that although the enactment he had referred to made quality the criterion, yet that the Custom-house officers, when carrying the provisions of that Statute into execution, made colour, and colour alone, the criterion; and that the Board of Trade and the Lords of the Treasury supported the Custom-house officers in so acting. [The hon. Member here referred to a correspondence between the Lords of the Treasury, the Board of Trade, and the Committee of the East India Trade Association, as to what ought to be the standard.] He had referred to this correspondence, to show the difficulty and discussion to which the discriminating duty had given rise; and he would now proceed to read the result as communicated in a letter addressed to the Secretary to the East India Trade Committee, and which, with the permission of the House, he would read at length:—

> "Having laid before the Board, your letter of the 19th ulto., transmitting a letter from sundry merchants connected with the East India Trade Committee on the subject of the new duty and classification of East India sugar, and stating that as the Act 1 and 2 Geo. IV. c. 106, has now come into operation, it is important that a fair and indisputable standard should be speedily adopted, to decide what sugars are justly liable to the higher duty attached to clayed sugar. I have it in command to acquaint you, for the information of the said Committee, that the standard on which the duties on East India sugars are now charged, viz., colour, was adopted, in the opinion of the Lords of the Committee of Privy Council for Trade, and confirmed by the Lords of the Treasury, as the best criterion by which to judge of the comparative quality of sugar, as far as regards the degree of refinement it has undergone. I am at the same time to add, that the matter is now again under the consideration of the Board of Trade, and until the Commissioners receive their Lordships' further directions thereon, it is not in their power to make any alteration in the mode of charging the duty."

Here, then, was an Act of Parliament, imposing an additional duty on sugar of a particular quality, the word 'quality' being introduced into the enactment. And here was an order from the Lords of the Treasury, declaring that under that enactment colour, and colour alone, should be the standard. Surely, then, he was justified in apprehending that colour would be declared the criterion under the proposed Resolution, where the words bore that obvious meaning, and where the word "quality" was intentionally omitted, and its introduction when suggested, refused. He believed, that under the Act he had referred to, colour was declared to be the standard, from necessity, because it was the only criterion by which it was possible to judge. He repeated that in the abstract he did not object to a classification of sugars, if practicable; but if it could not be introduced without working injustice, it ought to be abandoned. The proposed alteration, so injurious to India, had not been called for by any new facts or information. The peculiar mode of manufacturing sugar in India was fully known in 1836, when the duties were equalized, and has frequently been urged since, as amounting to a partial refinement, because it improved the colour. It was proved and dwelt upon before a Committee, where his right hon. Friends the Chancellor of the Exchequer and the Member for Newark sat with him many a long and dreary day and month, with regard to sugar, as to tea, wine, and every other article, an *ad valorem* duty would be the fairest, if it were possible to levy it. He felt it very difficult, indeed he believed it would be impossible, by any average or price current, to convey a correct impression as to the prices of the different sugars. No judgment could be formed, unless the samples of each kind were laid upon the Table of the House. He would, however, read the average prices taken from the *Gazette* for the years 1843 and 1844, the only two years in which the prices of the East India sugars were gazetted. In 1843, the average price of West Indian sugar was 33*s.* 9*d.* per cwt., of Mauritius sugar 33*s.* 8*d.*, and of East India sugar 36*s.* In 1844, the average price of West Indian sugar was 33*s.* 8*d.*; of Mauritius sugar 32*s.* 10*d.*; and of East Indian sugar 35*s.* 1¼*d.*; thus showing, that on the average of these two years, the East India sugars sold 1*s.* 10*d.* above the West Indian. The House would observe, that the average included all sugars, high and low, and therefore afforded no information as to the relative value in the market of the different qualities of the East and West India sugars. He would not trouble the House with any of the comparative statements with which he had been furnished, as they might appear to have been prepared for the occasion. But he would ask permission to read the Broker's return of an actual sale, on the 24th of this month—

> "Fine white Bengal (Benares) 68*s.* per cwt; fine Mauritius 68*s.*; very fine Jamaica 68*s* to 69*s.*; fine Antigua 68*s.* to 69*s.*"

The Mauritius, Antigua, and Jamaica sugars, all come under the denomination, yellow sugars. When adverting to the general impression, that the intention of Government was to make colour the standard, he had omitted to refer to a communication with which he had been favoured by a gentleman in Liverpool, who sent him the following extract from the *Liverpool Times*. After adverting generally to the advantages to be derived from the Government scheme, it proceeds thus:—

> "It is desirable that colour alone should be the standard of quality—we mean, that every sample below a certain degree of whiteness, should pass at the lower duty, whatever be the beauty of its appearance, or the perfection of its manufacture."

The gentleman states in his letter—

> "That refiners are quite agreed as to the perfect facility of such a standard."

Now he (Mr. Hogg) thought that the refiners were the very last persons that Government ought to consult, as it was obviously their interest that the sugars imported into this country should not be in a state of purity, to render them fit, without further process, for general consumption. He might add, that he held in his hand a Broker's report, published the day after the Government measure was announced, in which it is assumed that colour is the standard, and that the East India sugar will consequently be subject to the higher duty. He was aware that in 1841 a proposal had been made by the then Government to introduce a classification of sugars. The right hon. Gentleman the Member for Portsmouth, then Chancellor of the Exchequer, when he first made his statement, proposed a duty of 12*s.* on Foreign sugars generally; but he afterwards announced his intention of imposing a duty of 18*s.* on the higher classes of unrefined sugar; and he (Mr. Hogg) thought he was right in so doing, because it was then the intention to admit the sugars of the Brazils and Cuba. This was the view taken by his right hon. Friend the Member for Newark in the discussion on the Sugar Duties last year. Adverting to the differential duty proposed by the right hon. Gentleman the Member for Portsmouth in 1841, he said—

> "There was a very good reason in 1841 for adopting such a course, because the great bulk of the sugars of Cuba, although they cannot technically be called refined, are yet much more so than the British sugars, and coming in at a duty rated by weight, would enjoy a great relative advantage. This does not hold good of Java and Manilla sugars, in which the refined sort forms a very small and almost imperceptible portion of the quantity produced."

He regretted that he had not been able to obtain the Papers for which he had moved, as he had reason to believe they would show the difficulty, if not the impossibility, of practically working out a system of discriminating duties. In the absence of those documents, he must cite the authority of his right hon. Friends the Chancellor of the Exchequer, and the hon. Member for Newark, both of whom declared last year, on the Motion of the hon. Gentleman the Member for Bristol, that it was impracticable, or at least inexpedient, to introduce the discrimination now proposed. His right hon. Friend the Chancellor of the Exchequer then opposed any discriminating duty, and he founded his opposition on the statement of the Custom-house officers, that such discrimination was impracticable. He now proposes discrimination, and founds his proposal on an assurance from the same officers, that such discrimination is not only practicable but easy. Was he to be told, that interests of such magnitude were to be determined by the varying opinions of those subordinate officers? But he would ask permission to read what was said by the Chancellor of the Exchequer on the 14th of June last on this very subject:—

> "It had been said by the hon. Member for Dumfries, that the time had been when a distinction was made as to the duties imposed on the different classes of British sugars. The hon. Member for Dumfries had therefore contended that there should be such a distinctive duty; but the difficulty of drawing the line between the various descriptions of British sugars had been the reason why it had been abandoned. Now the difficulty, whatever it might have been formerly, must be enhanced by the Resolution of the hon. Gentleman. The hon. Gentleman said, let there be a light duty upon brown Muscovado, and upon white clayed a duty of 34*s*. Now he had consulted, during his examination of this subject, many of the most experienced officers of the Customs, and they had informed him that there was the greatest difficulty in drawing the line between white clayed sugar and a description of sugar slightly refined, which was not admissible. Commercial Members would know that many cases had occurred in which certain sugars had approached so near refinement, that a question had been raised whether it was or was not admissible. The white clayed was a new distinction, and the new difficulty would arise of drawing the line between the clayed and the white clayed. There was a risk to the British grower that refined sugar would come into competition with Colonial sugar, and there was a risk to the Revenue that the one would be substituted for the other. But with respect to the risk as to the introduction of white clayed sugar in great quantities from countries which the Resolution admitted, he had made inquiry with the view of ascertaining whether the general quality of sugars in Java and Manilla was such as to give a superiority over those now introduced into the British market. Now there was no commodity from the East equivalent to the fine sugar of the Havannah, and therefore, having laid down the principle that the medium duty on British sugar ought to apply to Foreign, he did not see the necessity for this additional item in the Tariff, creating, as each additional item necessarily would, doubt and difficulty, and with them injury to the buyers and sellers of the article."

That was the opinion of his right hon. Friend last year, and it was his (Mr. Hogg's) opinion then, and now. He had already told the House that in 1821 a discriminating duty was imposed on different qualities of East India sugar. But so great was the vexation and injustice occasioned by that measure, that in 1823, only two years afterwards, the discriminating duty was removed; and in 1825 all discriminating duties on sugars the produce of the British possessions were abolished; and all sugars, not being refined, have from that period been admitted at the same duty. He had been informed that, in 1825, when all the Acts relating to the Customs had been submitted to the revision of Mr. Deacon Hume, it was by his advice that the discriminating duties on British-grown sugars had been abolished. The present proposal of Government was in fact a revival, in a more objectionable form, of the Motion made last year by the hon. Member for Bristol. It was true, that hon. Member proposed a discriminating duty of 4*s*. 2*d*., and he limited that duty to Foreign sugars. He did not attempt to subject the East India sugars to any disadvantage, or in any manner to disturb the measure of equalisation passed in 1836. The hon. Member was perfectly fair in his proposal and in his argument. He said, it might be right to impose discriminating duties on the different qualities of British sugars, but that such duties ought to be imposed with reference to the quantity of saccharine matter which the sugars contained. That was perfectly fair. If such a plan were adopted, and if there existed any means of ascertaining the grain and strength of the sugar, and the quantity of saccharine matter it contained, he (Mr. Hogg) would not have a word to say against such duties. But, however fair the principle, he feared that the application was impracticable, and he therefore thought it better to have no discriminating duties at all. In that debate the same hon. Member took no narrow view of the West Indian interests. He coupled together the East and West Indies, and identified their interests. He (Mr. Hogg) maintained, that nothing could tend more to the interests of the West Indies, than the abundant supply of sugar from India. He hoped that the reduction in the duties would lead to a great increase in the consumption; and if the East and West Indies together could meet that increased consumption by supplying in abundance good and cheap sugar, the great experiment now in progress would be worked out, and the anxious hopes of the Government, and of the great mass of the people of this country, for the exclusion of slave-labour sugar, would be fully realised. But if the sugar produced by them was not fully adequate to the consumption, no power on earth could keep out slave-grown sugar. In the West Indies there was some limit to the production of sugar; but he believed he was not speaking the language of exaggeration, when he said that in India the capability of production was almost unlimited. He believed the statement made by Mr. Trevylian before the Committee to be strictly correct. He believed it to be true, that the vast tract designated by that gentleman as the Valley of the Ganges, was competent to produce sugar enough for the consumption of the world. Yet the hon. Member for Stockport had told the House that India had no claim to protection. What, India no claim to protection! An Empire, equal in extent to nearly the whole of Europe, and containing a population four times as great as that of the United Kingdom. An Empire, founded, maintained, and extended, without subjecting the mother country to the cost of one shilling—defraying, from her own resources, the whole of her expenses, civil and military, and paying annually to this country a tribute of upwards of 3,000,000*l.* He termed it a tribute, because it was remitted for the purpose of paying the home expenses, and India received no commercial return for it. India, besides, poured into this country an annual stream of wealth in the fortunes of public servants, who, having completed their career in that country, sought to pass the remainder of their days in their native land. India, too, takes 6,000,000*l.* of our manufactures, including 7,000,000 of pounds of cotton yarn and twist, and 3,500,000 pieces of piece goods. Thirty years ago India was a great manufacturing country, clothing her own population, and exporting to England annually cottons and muslins to the value of 3,000,000*l.* sterling. The manufactures of England had displaced and supplanted those of India, even in the markets of India itself; and this, not in the fair and natural course of trade, but aided by the maintenance of unequal duties; for, while the manufactures of England were admitted into India at a duty of 3½ per cent., the duties in this country on articles the produce of India, varied from 10 to 30 per cent. Dacca, and other manufacturing districts, within his (Mr. Hogg's) recollection, rich and flourishing, had been reduced to a state of destitution unknown in this happy land. Her manufactures ruined, India was driven to the culture of her fertile soil, and when in this state of transition, was he to be told by a British manufacturer, and by a British statesman, late President of the Board of Trade, that India had comparatively small claim to protection? At present, the greatest difficulty existed in obtaining returns from India. Indigo and sugar were the great staple productions of that country; the cultivation of indigo could not be increased, as the quantity now produced was equal to the consumption of the world, and the present prices very little exceeded the cost of production. The cultivation of sugar might be increased almost without limit, if not checked by injudicious legislation. So great at the present moment was the difficulty of obtaining returns from India, that the Court of Directors had been compelled to open the home treasury for bills at the exchange of 1*s.* 9*d.*—a rate that scarcely yielded a bullion remittance; and yet this was the time selected for the introduction of a measure that had excited the greatest alarm among all whose capital was embarked in India. Idle and loose statements were sometimes made as to the cost of the production of sugar in India. The best answer to such allegations was a statement of the actual price of sugar in the Calcutta market since the equalisation of the duties—he spoke of the shipping qualities of Benares sugar. In 1837, it was 9 rupees per Bayar maund; in 1838, 9 rupees; in 1839, 10 rupees 12 annas; in 1840, 11 rupees 6 annas; in 1841, 11 rupees 2 annas; in 1842, 10 rupees 4 annas; in 1843, 10 rupees 10 annas; showing an average, for the seven years, of 10 rupees 4 annas per Bayar maund. The Bayar maund was equal to 80lb., so that the average price of sugar in Calcutta, during the time specified, had been 14 rupees 5 annas 7 pice, or about 28*s.* per cwt. And he believed that hon. Members present, connected with the trade to India, would bear him out when he said that, generally speaking, those who had shipped sugar to this country had not gained by the transaction. While he thus stated his belief as to the result of the commercial speculation, the House would be happy to hear that the increased cultivation of the sugar cane in India had tended greatly to the benefit of the ryots, or native cultivators of the soil, who grew the cane and sold the juice to the manufacturers. He had no intention of imputing to Government a disposition to act unfairly towards India; but had felt it his duty to point out, as strongly as he could, how very injurious to that country the operation of the proposed measure would be. Judging from past experience, he must confess he was opposed to any discriminating duties; and feared they could not fail to occasion the same frauds, vexations, and injustice, that had formerly been complained of. He had omitted to state, that so great had been that vexation, that the Lords of the Treasury had been compelled, of their own authority, to suspend the operation of the measure, and to authorise the Custom-house officers to admit the high class sugars at the low duty, taking bonds for the excess; and these bonds were never put in force. He would, notwithstanding, have abstained from urging his objection to discriminating duties, if Government had consented to render the proper measure fair in principle, and equal in its application, by adopting his suggestion to introduce the word "quality" into the Resolution, and then to define quality as consisting of colour, grain, and saccharine matter. As his right hon. Friend the Chancellor of the Exchequer had declined acceding to his proposal, he would conclude by moving the Resolution of which he had given notice:—

"That it is the opinion of this House, that there ought not to be any discriminating duty between sugars, Muscovado and clayed, not being refined; and that any such duty would interfere with the measure of equalisation between sugars the produce of the East and West Indies."

Mr. *Hume* seconded the Motion. He had never heard a case brought forward more clearly than this had been by the hon. Gentleman, and he hoped it would produce its proper effect upon Her Majesty's Government. India deserved favour, if favour were to be shown to any one particular interest. He objected to the Government plan; he objected to this constant meddling from year to year, as it certainly was not the way to produce an increase in the quantity of sugar. He said, too, that he did not expect from the comprehensive view of the commercial state of the country of the right hon. Gentleman, that he would have proposed such a plan as this. What Government ought to do was to give due notice to the East and West Indian interests, both of what they were going to do now, and for the time to come. If this were not done, a change might yet take place in that House, when parties might be driven to an abrupt termination of their duties. It would be much better to fix a period to which the discriminating duties should continue, and no longer. Better, far better, to make a settlement — one which would be known, one that would be recognised — than thus to change from year to year. What he wished them to do was, to take an example from Holland. The question, it ought to be remembered both by that House and the Government, was one of great national importance. To the Motion of the hon. Member he gave his most cordial support.

The *Chancellor of the Exchequer* could assure his hon. Friend who sat behind him, that there were many parts of his speech in which he concurred. He was perfectly sensible of the value of their East India possessions, for he had a full knowledge of their capabilities for extensive commercial intercourse with other countries. Having complimented the hon. Member, he proceeded to say, that his hon. Friend would believe him when he said, that if any proposition were to be made injurious to the sugar of the East Indies, he would not be a party to it. He knew that he was under the imputation that because he had a connexion with the West Indies he made such a proposition; but that was the very circumstance which would make him most unwilling, of all other men, to propose a measure calculated in the slightest degree to be injurious to the East Indies. Last Session it had been proposed, that there should be a general duty, applied to all sugars the produce of all British possessions, and discriminating duties applied to different degrees of sugar the produce of Foreign countries. On that occasion he had stated—and by that statement he was prepared to abide—that the mode proposed was not the just manner for arranging the question. He then stated, that in the then existing arrangement as to East and

West India sugar, which imposed the same duty on all British sugar without reference to quality, he would not propose that a discriminating duty be imposed on sugar from foreign countries, the produce of free labour. He had never presumed to doubt that there was a difficulty as to the proposed discriminating duties. What he desired was to give to the community a cheaper sugar; and he desired also to give to the East and West India sugars a protection, not an excessive protection, but still protection, against Foreign sugar, and for these purposes he proposed discriminating duties. An argument had been used against discriminating duties that they gave a benefit to inferior sugars, in comparison with superior sugars, but that objection did not apply to his proposition alone. It applied equally to every case of *ad valorem* duty. The real difficulty was to decide upon a test of quality, and to decide which sugar should pay the higher and which the lower duty. His hon. Friend (Mr. Hogg) supposed that the Government assumed that colour was the test. He (the Chancellor of the Exchequer) said that colour alone was not assumed as the basis of the discrimination. The Government had consulted those who were well acquainted with the subject, and were assured by them that the white clayed sugar of Java was the best, because it was a known standard below which in quality all sugar admitted should pay the lower duty, and above which in quality all should be subject to the higher duty. He did not deny that difficulties might arise in correctly defining the quality of the sugar in some few cases, but difficulties of this sort existed even under the present arrangement of the sugar duties. It is now impossible, in all cases, to determine what is refined sugar and what is not refined. By the proposed plan, it would be for those whose duty it would be to judge of the quality, to say whether the sugar brought in was equal in quality to the white clayed sugar of Java, and to levy the duty accordingly; the Resolution also providing that sugar which, by any process of refining or otherwise, was rendered equal to the standard, should pay the higher rate of duty. He objected to the introduction of the words proposed to be introduced by his hon. Friend, because it was considered, on inquiry and consideration, that multiplication of words in the Resolution would rather tend to obscure the intentions of the law, than to make them more clear; and therefore he declined to encumber the Resolution with words which he did not think necessary, with the view of giving effect to that equal administration of the law which it was the object of the Government to carry out. His hon. Friend had said that the discriminating duties that had been formerly in existence were abandoned, because they were found to be unfair towards our East India possessions, and at the same time impracticable in their operation. It was true that, for a long time previous to 1825, the duty on sugar had been imposed on the principle that brown or Muscovado should pay one duty and white clayed sugar another; and during a very long period, that mode of levying duty was liable to no objection. It was true that East India sugar was then but little known in this country, it being the policy of England at that time — most unwisely as he thought — to exclude East India sugar from the home market. But in 1821, in addition to the higher rate of duty to which East India sugar was subject, a differential duty was also imposed on the white clayed sugar, as distinguished from the brown and other inferior qualities. It was found, however, that as the East India sugar growers made all their sugars equal to clayed, the distinction operated unjustly to the East Indies, and consequently Mr. Huskisson brought in a Bill to abolish that distinction, and in lieu imposed on East India sugar a differential duty of 10*s*. a cwt. But the question then, as far as the East Indies was concerned, was simply clayed or not clayed; while now the object is to fix a standard for ascertaining the quality by the best test that could be adopted. He was quite sure if the House adopted the Resolution proposed by the Government, and took the quality of white clayed sugar as the test of what should be subject to the higher duty, they would adopt a test which would, in its result, do justice to all parties, give the most extended consumption to the country, and at the same time afford the best prospect of recovering the Revenue. He believed too that as the East Indies produced a large quantity of low-priced sugar, as well as a large quantity of high-priced sugar, that they would be even greater gainers by the proposed arrangement, than even those Colonies for whose benefit it was supposed to be made. He assured the

House that the Government, in proposing this arrangement, did so not in reference to the advantage of any particular possession of the Crown, but in the full belief, founded on the best information, that its operation would be equal and just to all the possessions of the Crown.

Mr. *Hawes* did not approve of the proposed standard. He thought there would be great if not insuperable difficulty in determining by such a test the quality of various kinds of sugar. Could it be expected that a Custom-house officer in London, Cork, or Liverpool, would be qualified to give an opinion on the qualities of sugar? How could he judge of the granulation, power, and other qualities of sugar? If the Custom-house officer was not qualified to make those distinctions, how could the distinctive duties be levied? The right hon. Gentleman had referred to the white clayed sugar of Java as the standard of quality; but if he took that standard, the great bulk of the sugar of the East Indies would come in at the lower duty. The Custom-house officer, then, was to be the sole judge, and every merchant and port in the United Kingdom was to be dependent on his judgment. If the right hon. Gentleman had made the quantity of saccharine matter the test of quality, then he (Mr. Hawes) could understand him. By that test the amount of duty might be determined by the variation shown by the saccharometer; but endless mistakes would result from depending on the taste or judgment of a Custom-house officer. Why not let the quality depend on the skill and ingenuity of the manufacturers in different parts of the world, and let the consumer have the benefit? Now, with respect to the proposed discriminating duty, how would the right hon. Gentleman insure uniformity of judgment on the part of the Custom-house officers? He had taken pains to ascertain the opinions of persons connected with the trade—of the best practical experience—and they told him that the system would not succeed. When practical men took this view he felt that he had a right to ask the right hon. Gentleman to make inquiries of persons connected with the trade, and let them give their opinions as to how far his plan was practicable. He would have expected the right hon. Gentleman to have told them whether the Customs' officers had reported in favour of this plan. Now, if this plan was attempted, it would be attended with the greatest practical difficulty. It would be impossible to insure uniformity of judgment; and the merchant in Glasgow would have to pay one rate of duty, whilst the merchant in London would have to pay another. This would cause a great inequality of duty in the different parts of the kingdom, and would hold out an inducement to fraud. He (Mr. Hawes) represented many persons largely connected with the sugar trade, and on their behalf he asked the right hon. Gentleman to reconsider his plan. The right hon. Gentleman's experience of the total failure of his former plan to levy an *ad valorem* duty ought to have warned him against a plan of this kind. He would be glad to hear from the right hon. Gentleman whether any persons of eminence in the trade had sanctioned his plan. Whatever general objections he might have to the plan of the right hon. Gentleman respecting sugar, he wished now to confine himself to the mercantile grounds of objection. He entreated the right hon. Gentleman to reconsider his plan, which would be unjust and unequal, unless he could devise some means by which the Customs' officers throughout the kingdom could form the same conclusion as to the qualities of sugar, and the duties that ought to be imposed.

Sir *R. Peel* thought it would be difficult to come to a satisfactory conclusion that night. There was much practical difficulty in the question; and he thought, without reference to party, and whatever opinions hon. Gentlemen might entertain on the Budget as a whole, they had only one object in discussing the present question, and to adjust this matter of detail. He was sure hon. Gentlemen would admit that the position of the Government was one of difficulty, because they were not at liberty before announcing their plan to make very extensive inquiries; and it was necessary to limit their consultation to a very small number of persons. The object of the Government was not to subject East Indian sugar to any disadvantage; they did not desire to favour the West Indies at the expense of the East Indies. In point of population, the East Indies were not subject to the same difficulties, in some respects, as the West Indies; but the House had, as he apprehended, decided that with reference to our own Colonies they would not take these differences of advantages into account, and the question really was, "shall we take one uniform duty of 15*s*. or 16*s*., which shall apply to all our Colonies, or shall we make an attempt, which all admit to be a good one if it can be carried out, to distinguish between sugars of different qualities?" The hon. Gentleman says, that we have no authority for making any such experiment, and that we have no practical testimony in its favour; but we have had communications from the Custom-house officers that nothing is more easy than to make the distinction. They all expressed a strong opinion on this point, though shades of distinction might occasionally cause some difficulty. If, however, they made no discriminating duties between the sugar of our own Colonies, there must be no discriminating duties with respect to Foreign sugars. He would decidedly object to any such discrimination; if it were impossible to apply any distinction in respect to the sugar of our own Colonies, he must object to any discriminating duties between Foreign sugars. Although the Amendment of the hon. Member for Beverley was directed against discriminating duties generally, the hon. Member did not think them unjust, provided they could fetter the discretion of the Custom-house officers, and he proposed words to effect his object. He did not object to the principle, but he suggested that the Resolution should be worded as "white clayed, or sugars rendered equal by any process to white clayed sugars," to be admitted at the duty of 16*s*. 4*d*. The hon. Member said that they must put it out of the power of the Custom-house officers on their own authority to define the quality. The best course, if the forms of the House would allow them, would be to apply themselves to the consideration of the question, whether they could impose a mere power of discrimination upon the Custom-house officers, and should accurately define what should constitute quality. With further consideration they might be able to determine whether they could introduce particular words. If, therefore, the forms of the House would allow, the Resolution might now be passed on the understanding that in Committee on the Bill, unless they should adopt a satisfactory definition of what should be the quality, in the sense in which it was generally understood, his hon. Friend should be at liberty to object to it, and make a Motion on the subject, and to limit the power of the Custom-house officers. They might allow the Resolution then to pass, on the understanding that no one should be bound by it not to make an objection to the clause in the Bill.

Mr. *B. Hawes* wished to know what effect the course recommended by the right hon. Baronet would have upon the ultimate disposal of the Resolution.

Sir *R. Peel* said that, as his only object was to do justice by all parties, no unfair advantage would be taken of the temporary withdrawal of the Amendment. The Government could now communicate freely with the officers of the Customs and other persons conversant with the qualities of sugar, and thus obtain information which the nature of the question wholly precluded them from doing previously to their intentions becoming known.

Mr. *F. Baring* expressed his concurrence in the right hon. Baronet's proposal, and he had come down to the House prepared generally to approve of the scale which the right hon. Baronet had drawn up. At the same time, he must observe that he had been sorry to see that the scale which had been drawn out, nominally upon the principle of an *ad valorem* duty, would operate very seriously against the East Indian sugars. The right hon. Baronet appeared to be somewhat in a hurry to pass his Resolution that night, but he could hardly expect to do so, as there was another Amendment to be brought forward by the hon. Baronet the Member for the Tower Hamlets.

Sir *R. Peel* stated, that his suggestion merely referred to the Amendment of the hon. Member for Beverley; he had no expectation of passing the Resolution that evening.

Mr. *Gladstone* said, that he had been referred to as having spoken lightly of the East Indies. That was a severe remark. What he had really said was, that the plea of necessity, which had been urged on the part of the West Indies as a justification of a differential duty in their favour, was a plea totally inapplicable to the East Indies. He did not add to that in the slightest degree, nor did he in the slightest degree recede from it. The right hon. Gentleman also explained that he had been misunderstood, probably on account of rapidity or indistinctness in a passage of his speech the other night, in which he had made reference to the laws of the United States in regard to the introduction of slave sugar. He had in that speech refered to the *Economist* newspaper, and a Gentleman connected with that journal had written to him complaining of what he then said. He would, therefore, take this opportunity of stating, that nothing was further from his intention than to ascribe to that Gentleman anything in the least degree inconsistent with personal honour. He admitted that the hon. Member for Lambeth had raised the question fairly. But there must be always a difficulty in working any system of classification, but the hon. Gentleman himself was not perhaps aware of the full extent of the difficulty. If they wanted to get rid of classification there was but one way —that was to say, that all sugars, from the coarsest up to double refined, shall pay the same duty. If they did that, they would get rid of the difficulty; but while there was any classification, the question was where to draw the line. He should object most strongly to classify Foreign sugars, when there was no classification of British sugars. On a former occasion he had contended that there was no necessity for introducing a classification in the Act of last year, because it was a temporary Act, but at the same time he had said that classification, though attended with difficulty, would be the means of removing still greater difficulties.

Amendment withdrawn.

The House in Committee of Ways and Means. Clause considered *pro formâ.*

House resumed. Committee to sit again.

House adjourned.

HOUSE OF LORDS,

Monday, March 3, 1845.

MINUTES.] BILLS. *Public.*—2ª· Courts of Common Law Process; Courts of Common Law Process (Ireland); Court of Session (Scotland) Process; Constables (Scotland).

PETITIONS PRESENTED. By Earl Powis, from Norwich, Great Malvern, and Tremeirchion; and from Stretton Grandison, and 5 other places, against the Union of Saint Asaph and Bangor, and in favour of the Appointment of a Bishop to the See of Manchester; from Pevevoy and 4 other places in Wales, for establishing Local Courts (Wales): from Shrewsbury, against the Insolvent Debtors' Act.

SERVICE OF PROCESS.] Lord *Campbell* moved the Second Reading of the Courts of Common Law Process Bill, the Courts of Common Law Process (Ireland) Bill, and the Court of Session (Scotland) Process Bill. The object of the measures was to enable actions to be brought in the three divisions of the United Kingdom, without requiring personal service of the process within the jurisdiction of the Courts respectively.

Lord *Brougham* said he was friendly to the principle of the Bills, but that there were some of the details which he hoped to see altered in the Committee.

Bills read 2ª and committed.

THE CASE OF MR. ABBOTT.] Lord *Brougham* wished to mention that he had received a letter from a Mr. Abbott, a defaulter in the Bankruptcy Court, which, as far as it went, was an exceedingly proper letter. The writer admitted the crime he had committed, but said that it did not follow, because he had committed one crime, that everything said of him was to be believed; and in that he (Lord Brougham) agreed with Mr. Abbott. The writer stated, as a cause of his having committed the grave offence for which he had suffered, that he had been defrauded by two near relations of the whole of his property, and he did not state that by any means as a justification, but merely as a palliation of his conduct. He at the same time solemnly declared that that was his first offence; that he had never before done anything of the kind; and that the statement he (Lord Brougham) had received from a respectable person at Brussels was utterly and absolutely devoid of foundation, and for the truth of that statement Mr. Abbott referred to his employers. He further stated that he had not one farthing of the money in his possession, but that all had been lost in the speculations which he had been induced to enter into.

THE UNITED STATES TARIFF.] The Earl of *Clarendon* rose, pursuant to notice, to inquire what course had been taken to obtain redress for certain merchants who complained, as he conceived justly, of the loss inflicted on them by a change made some time ago in the Tariff of the United States. Under the 26th section of the new Tariff, agreed to on the 26th of August, 1842, goods coming from England, which were shipped before the imposition of the new duties was known, were exposed to ruinous duties, to the extent of 90 or 100 per cent. on silk goods, and 120 per cent. on cotton goods. Goods that had come from the eastward of the Cape were subjected to much lower duties. Now this he considered to be an infraction of the Treaty between this country and the United States, which provided, among other things, that no duty should be imposed on goods from England higher than was imposed on goods coming from any other country. What made the circumstance of more importance was, that of the goods that came from the east of the Cape, by far the greater proportion belonged to American citizens, while of those which came from England nine-tenths were the property of English merchants. The amount lost in the cases he referred to by British merchants was not less than 200,000*l.*, and one house in Glasgow had lost 3,000*l.* He wished to know what steps had been taken to procure redress. The course taken by the United States was clearly against treaty, yet the Americans appeared fully alive to the importance of the Treaty wherever it was in their favour, for they had insisted on the repayment of the amount of duties levied on their rice by us in excess of that levied on the rice from the coast of Africa. He wished to know from the noble Earl whether he admitted the justice of the claims of our merchants, and, if so, what success had attended the application which he had, doubtless, made to the Government of the United States?

The Earl of *Aberdeen* believed that his noble Friend had correctly stated the circumstances of the case. It was one which had engaged the attention of the Government for a considerable time, and on which much correspondence had already passed. The case of the British merchants, he had no difficulty in saying, appeared to him a very just one, and deserving of the support of the Government; but he thought that the official experience of his noble Friend might convince him that one might have a very good case without immediately being able to bring it to a satisfactory issue. The Gentleman who preceded Her Majesty's present Minister at Washington urged this case on the Government of the United States very strongly, and Mr. Pakenham had pursued the same course; but he (Lord Aberdeen) was certainly not in a condition to say that their representations on the subject had been received in the manner they deserved. At the time of the last despatch referring to the matter, Mr. Pakenham proposed to put himself in communication with the principal parties interested at New York—a branch, he believed, of the Glasgow house alluded to by his noble Friend—and from them he hoped to receive such information as would strengthen his means of applying to the Government of the United States. He could assure his noble Friend that it was impossible for any person employed in Her Majesty's service to display on this or any other subject falling within the sphere of his duties more zeal or ability than the Gentleman at present representing Her Majesty's Government to the United States.

House adjourned.

HOUSE OF COMMONS,

Monday, March 3, 1845.

MINUTES.] BILLS. *Private.*—1°. Newcastle and Darlington (Brandling Junction) Railway; Southampton Docks.
2°. Cromford Canal; Bridgewater Navigation and Railway; Chester and Holyhead Railway; Thames Navigation Debt; Manchester South Junction and Altrincham Railway; Caledonian Railway; Huddersfield and Manchester Railway and Canal; Monkland and Kirkintilloch Railway; Plymouth and Stonehouse Gas; Devonport Gas and Coke Company; Great Grimsby and Sheffield Junction Railway; Glasgow, Dumfries, and Carlisle Railway; London and York Railway; Wakefield, Pontefract, and Goole Railway; Nottingham Waterworks; Birmingham and Staffordshire Gas; Guildford, Chichester, and Portsmouth Railway; Eastern Counties Railway (Hertford and Biggleswade Line); Norwich and Brandon Railway Deviation, and Diss and Dereham Branches; Birkenhead (Company's) Docks.

PETITIONS PRESENTED. By Mr. Shaw, from County of Carlow and numerous other places in Ireland, for Encouragement to Church Education Society (Ireland).—By Viscount Clive, from Ashperton and Canon Frome, against the Union of Saint Asaph and Bangor.—By Mr. Shaw, from Clergy and others of Dublin, against the Law of Vestries.—By Sir William Heathcote, from Basingstoke, for Agricultural Relief from Taxation.—By Lord Rendlesham, from Blything, for Repeal of Malt Duty.—By Sir John Hanmer, from Shipowners of Hull, and other places, against the Repeal of the Duty on Oil.—By Sir W. Clay, from Sugar Refiners of London, for Reduction of Differential Duty.—By Mr. Shaw, from Joseph D'Aguilar Samuda and Samuel Clegg, for Inquiry relating to Atmospheric Railways.—By Mr. Gibson, from Edinburgh, against Alteration of Law relating to Banking (Scotland).—By Mr. Blewitt, and Mr. Rice Trevor, from numerous places in Wales, in favour of County Courts Bill (1844).—By Sir John Hanmer and Mr. Villiers, from Kingston-upon-Hull and Cirencester, against Increase of Naval and Military Establishments.—By Lord Rendlesham, from Guardians of Hoxne Union (Suffolk), against Parochial Settlement Bill.—By Mr. Brotherton, Mr. Evans, Mr. O. Stanley, Mr. W. Martin, Mr. Blewitt, Mr. Christopher, and Mr. Hughes, from County of Montgomery and a great number of other places, for Diminishing the Number of Public Houses.—From Proprietors of Birmingham Canal Navigation, for Regulating Charges by Railways.—By Admiral Dundas, from Lambeth, for Abolishing Tolls on Waterloo and other Bridges.

TALLOW DUTIES.] Mr. *Poulett Scrope*, seeing the right hon. Baronet the First Lord of the Treasury in his place, would put the question of which he had given notice on Friday, on the subject of the tallow duties. The present import duty on Foreign tallow was 3*s*. 4*d*. the cwt., but there was also an export duty in Russia on leaving that country. There was a rumour that the Russian Government was willing to take off the export duty on tallow if the import duty were taken off in this country. The duties united amounted to 15 or 20 per cent. on the value of the tallow imported. In looking over the list of the 430 articles from which it was proposed to remove the import duty, he found tallow was omitted. There were, however, a great many articles which were either inferior sorts of tallow, or were used as substitutes for that article, from which the duty was to be removed, such as, for instance, grease, which was an inferior sort of tallow; hogs'-lard, which was swine tallow; whale oils, animal oils, various sorts of vegetable oils—all these were used as substitutes for tallow in the manufacture of soap, and some of them in the manufacture of candles; and if the duty were not removed from tallow, it would operate as a serious burden upon the consumers of this article. It was material, therefore, to ascertain if the right hon. Gentleman purposed taking off the duty on tallow when some arrangement should be come to with the Russian Government on the subject, or if he had fully renounced the idea of taking off the duty on tallow. He wished, therefore, to ask if any negotiations were going on with the Russian Government on the subject of the removal of the export duty on tallow.

Sir *R. Peel* said, he hoped the hon. Gentleman would excuse him from giving any answer respecting the intentions of the Government. He always objected to answer any questions respecting the future exemption from duty of articles of trade, as those answers tended to produce great derangements of trade. With respect to the question with which the hon. Gentleman concluded, he had to state, that no negotiations were pending with Russia respecting the removal of the export duty on tallow in that country, on condition of the removal of the import duty here.

THE OREGON TERRITORY.] Mr. *Roebuck* wished to ask the right hon. Gentleman (Sir Robert Peel) a question, of which he had given notice. The subject was the negotiation now going on between this country and the United States relative to the Oregon Territory. He wished to know whether the right hon. Gentleman had any objection, on the part of Her Majesty's Government, to lay the negotiation, as far as it had proceeded, before the House. The reason which induced him to ask that question was to be found in the present state of circumstances in the United States with regard to this very question. He did not desire to cast any slur on the conduct of a great nation like the United States, or use any language which might excite angry feelings; but it could not be unknown to the right hon. Gentleman—for it was known to all the world—that a Bill had already passed the House of Representatives with regard to the Oregon Territory. He always considered that the Oregon Territory, which had been already the subject of so much dispute, was yet to be considered as a matter on which no settlement had been made, in fact that it was an open question. A Bill, however, had passed the House of Representatives, in order to make the Oregon what was called a Territory. British interests were quite safe in the hands of Mr. Pakenham, who had hitherto conducted the negotiations; but it seemed extraordinary that such a course had been taken by the House of Representatives. This country was not accustomed to bluster, but it must be apparent to all that this was a proceeding not to be submitted to quietly. If it arose out of the weakness of the Executive Government in the United States; if the Senate passed the Bill, and if the President, also, gave it his sanction—not being prepared to oppose the two Houses—it was fit that the people of this country should know what was the precise footing on which Great Britain stood with the United States. The law for taking possession of the Territory had certainly passed one branch of the Legislature; and if we took no steps to counteract what had been done, our national rights might be infringed, and the rights of individuals invaded. This country ought to have declared that the United States had no pretext for going westward of the Rocky Mountains. Negotiations on the subject had been commenced, and he (Mr. Roebuck) trusted that the United States would be called upon to show the ground of her claim to any territory westward of the Rocky Mountains. She had no right to cross the Rocky Mountains at all. He wished to know if Ministers intended to leave

Parliament entirely in the dark upon this important question, regarding which one branch of the Legislature of the United States had proceeded hastily.

Sir *R. Peel* said, the hon. Member had correctly stated the nature of the Convention between Great Britain and the United States. It was passed in 1818, and was intended to last ten years, and it enabled each party jointly to occupy. It was renewed in 1827, was to expire in 1838, but it was provided also that neither party was to terminate the arrangement without giving a year's notice. With regard to the question with which the hon. Member had concluded, he had to remark that, as the negotiations of this country with the Executive Government of the United States had not yet been brought to a close, he did not think it consistent with his duty to lay the correspondence before Parliament. The hon. Member would be aware that our negotiations were not with the House of Representatives, but with the Executive Government of the United States. Certainly nothing could be more unseemly than to bluster; but while he refrained from any expressions of the kind it was not to be supposed that the British Government was not duly sensible of the importance of the question.

Ways and Means.] House in Committee of Ways and Means.

The *Chancellor of the Exchequer* said that, in addition to the Notice which he had on the Paper with respect to the Sugar Duties, there was another with respect to a grant out of the Consolidated Fund, which he wished now to propose. In consequence of the early period at which Easter would fall this year, there would not be funds for carrying on the public business up to the 5th of April, unless a vote were taken on the present occasion. He did not apprehend there would be any objection, and as the vote was the foundation of a Bill which would require to be passed before the 5th of April, he hoped the House would consent to it without opposition. He begged to propose a vote of 8,000,000*l.* out of the Consolidated Fund for making good the supply of the year.

Mr. *Hume* wished to ask a question of the right hon. Baronet opposite. The hon. Member for Bath had given notice of a Motion with respect to the window duty. If the hon. Gentleman should succeed in obtaining a Committee, he wished to know if the right hon. Baronet would have any objection to the Committee changing the window-light duty into a house duty. It was a matter well worthy their consideration.

Sir *R. Peel* admitted the importance of the question, but did not think it could be satisfactorily discussed in answer to a question. It might be recollected that there had been in existence at the same time both a window duty and a house duty. The House had the option of determining which of these duties should cease; and, at the time, it proposed taking off the house duty, because it thought the window duty was the fairer of the two.

Mr. *Bernal* hoped he would not be considered importunate in taking that opportunity of requesting the serious attention of the right hon. Baronet to the general subject of the collection of taxes. If there was one evil more crying than another, it was the mode of collecting surcharges, particularly in the metropolis. He knew small tradesmen who, rather than take the trouble of protecting their rights, submitted to the overcharge, as their business would not permit their attendance and loss of time in attending to the appeal. Then, with respect to the collectors of taxes. They were paid by a small per centage. He knew an instance of one whose per centage amounted to about 70*l.*, who yet paid as much to a deputy. On asking him why he had undertaken the office, he answered that his principal reason was, because he thought it would increase his business; and that, while he collected the tax, he would have the means of increasing his business. He thought the system required immediate attention.

Vote agreed to.

Sugar Duties.] The *Chancellor of the Exchequer*, in moving the Resolutions of which he had given notice relative to the Sugar Duties, said, he felt bound to state to the House, in the first place, that in proposing the Resolutions which he then had to introduce for its consideration, it would not be necessary for him to enter into any lengthened statement with respect to the details of his present measure, inasmuch as the House had already, on more occasions than one, and recently too, discussed and disposed of those points which were of the most material consequence in his proposition. They had decided that Foreign sugar the produce of free labour should be admitted into this country on payment of a discriminating duty of 10*s.* 6*d.* per cwt. between it and the sugar of our own possessions. The only other point which had been raised on the present subject had been fully discussed on the Motion of his hon. Friend the Member for Beverley, with respect to the mode of ascertaining how those discriminating duties were to be levied, and the standard to be adopted in classifying the different descriptions of sugar. It might, perhaps, be more advisable to postpone going into the details of these points until they were in Committee on the Bill; and, therefore, he considered it would be better to pass the Resolutions then before the House without entering at length into those details. With respect to the introduction of the words "Sugar of quality equal to clayed," he could only observe that there might not be any objection; but the introduction of further words created a doubt in his mind that it would only involve them in greater difficulty. Having made some detailed inquiries with respect to the practice in London and the outports on the subject of the collection of this duty, and as to whether their project was likely to be successful in its operation, the Government did not consider that they were conclusive on this question; nor that the present proposed alteration in the duties would affect the Resolutions then before the House. But when they were in Committee he would bring before them the ultimate decision to which the Government should come, and be ready himself to answer any questions that might be put as to the details of the plan. With respect to the date at which the proposition was to take effect, he proposed that it should be from the 14th of the present month of March; and that period would afford sufficient time, he conceived, to enable those who had sugar in bond to dispose of their stock. He concluded by moving the Resolutions.

Mr. *Williams* said, he hoped the Chancellor of the Exchequer would consent to extend the time beyond the 14th of March. If he did not, he could assure him a great and ruinous loss would be sustained by thousands of persons who dealt in sugar. He still trusted that the right hon. Gentleman would consent to extend the time to the 1st of April, or at least to the 25th of March.

Mr. *Thornely* said, it was generally understood that the alteration would not take place until the 5th of July, after the present Act expired. Only that morning he had received a communication from a very extensive dealer in Liverpool, who stated that he should lose 800*l.* on the stock he held, if the alteration were made so early as was intended. It was a great hardship, and he must ask the right hon. Gentleman to consider that point.

Mr. *Hawes* thought, when a few facts were laid before it connected with the present matter, the House would see the propriety of modifying and altering the plan proposed by the Chancellor of the Exchequer, which was full of hardship. The hon. Member read a letter from an eminent mercantile house in the City, in which the writer sought for himself, and on behalf of his trade, permission to clear off duty-paid stock before the right hon. Gentleman's plan came into operation. This writer declared that in the event of the Bill being carried, his house would lose to the amount of 2,000*l.* The house was one of the most respectable in the City of London. With regard to what had fallen from the Chancellor of the Exchequer, he understood that he would pass his Resolutions through the Committee, reserving to himself the opportunity of stating his precise intention with regard to the duties. If he was still going to maintain the principle of a distinctive duty according to the quality, he was bound to say so to the House. If, on the other hand, the Chancellor of the Exchequer would admit there was a practical difficulty in the way of arriving at a satisfactory arrangement as to ascertaining the quality of the sugar, then he was bound to state the fact that they might know what they were to do. He did not know what course the hon. Member for Beverley (Mr. Hogg) intended to pursue; he seemed very acquiescent and satisfied. But the Government had attempted to make the duty dependent on quality before, and the attempt had entirely failed. Were they going to depart from this principle? If they were, he would give the Chancellor of the Exchequer all the time that he might require before he informed the House. But with respect to the collection or efficient imposition of such a duty of the distinctive character intended, he conceived that all former attempts of a similar kind had failed altogether. It was a description of duty which was at once unjust and open to fraud.

Mr. *Thornely* said if it were possible to provide all the quantity of sugar for the supply of the country from the port of London, then it would be practicable to arrive at a classification of the qualities of sugar. But as they imported sugar into the ports of Hull, Liverpool, Greenock, Dublin, Cork, Limerick, Belfast, he was persuaded that it was impossible. All experience went against it. The hon. Member for Beverley instanced a case where Mr. Huskisson attempted to classify the Sugar Duties, and it failed. Latterly it had been attempted to classify tea, since the opening of the China trade with this country. There was also the case of cotton wool—a duty of about 5-16ths of a penny per pound was substituted for an *ad valorem* duty, which it was found perfectly impracticable to carry out, because of the difficulty of ascertaining the exact value of the article, which varied from 3*d.* to 6*d.* per pound in worth.

Mr. *Hogg* did not intend to take any part in the present discussion until he heard what the proposition of the Chancellor of the Exchequer exactly was. It appeared to him, however, that this proposed standard for the arrangement of the new scale of duties was an impracticable scheme; nor should he be perfectly satisfied until he heard what the proposition of the Government in all its details would exactly be.

Mr. *Hawes* would ask the right hon. Gentleman the Chancellor of the Exchequer whether he decidedly meant to adhere to his proposed scheme of distinctive duties? If so, he thought that subject very well worth the consideration of the House and the Government also; but it seemed to him that if they agreed to the present Resolutions, they might be supposed as sanctioning the principle of these distinctive duties. But, for his part, he meant to oppose that principle, and would take every possible opportunity of dividing the House upon the subject.

The *Chancellor of the Exchequer* said, he was a little surprised at the observations which had just fallen from the hon. Member for Lambeth; because he understood that the general opinion of the House, expressed in the discussions of preceding evenings, had been that a full and ample inquiry into the practicability or expediency of this matter could not be made until the Government plan was before the House. It had been understood, as he conceived, that application was to be made to brokers and other persons capable of giving information on this point, as to the best mode in which that measure was to be carried into effect; and that those details would be introduced when the Bill went into Committee, and the information collected had been submitted also for consideration. He could say that he had not himself by any means been backwards in making the necessary inquiries, and had been assiduously endeavouring to collect the best information and opinions on the subject, and that, too, from the best and most competent authorities. On that information he should act at the proper time. There were two objections, it appeared, to his present Resolutions; one was that the 14th of March was too early a date for them to come into operation; and the other was, that no provision was made for the purpose of returning the duty to those holders of stock in bond at the time the new Resolutions came into force, upon which stock duty had been already paid. These objections were grounded upon an alleged mistake said to be made—namely, that many parties were under the impression that no change was to take place in the Sugar Duties of last year until July, and that, consequently, they were taken by surprise by the present Government plan. Now, he could safely say there never was an occasion wherein the public and all interested had such ample and full notice of what the Government was about doing; for even in the course of the last Session of Parliament the course they intended pursuing had been announced. It had been intimated on that occasion that the Property Tax and the Sugar Duties would be brought under consideration in connexion with each other. Parties engaged in the sugar trade had received notice at the commencement of the Session that the Government contemplated an alteration in the duties, and those parties should not now feel aggrieved if the alteration were effected. It would be no trifling matter in cases like the present, where the public interests were at stake, to determine on granting drawbacks of duty. Some hon Gentlemen said that they wished the favour should be limited to those parties who had purchased sugar which was still in the Government warehouses. But it did not appear to him that it would be consistent with justice that those who had left their stocks in the Government warehouses should be placed on a better footing than those who had transferred their sugar to their own stores. The only difference between the cases was, that with respect to the sugar left in the Queen's warehouses, the Government could put their hand upon it and ascertain its quantity. He should conclude by observing that in his opinion the stocks were at present much lower than usual, in consequence of the month's notice that had been given of the contemplated change in the duties; and he thought that there was, therefore, no sufficient reason for granting the proposed drawback.

Mr. *Wallace* was prepared to state, that the alleged impression that an alteration of the Sugar Duties would take place was by no means general. It might not be well to press to a division the question, whether the 14th of March would be a sufficiently distant date; it could not yet be ascertained whether it would suffice for the remote parts of the Kingdom. The sugar refiners had no right to expect a change before the 5th of July.

Viscount *Sandon* perfectly agreed with the Chancellor of the Exchequer that the wholesale grocers who had left their sugars in the Queen's warehouses were not more entitled to back duties than those who had them on their own premises; it was a mere accidental circumstance. But he thought that all the wholesale dealers who had paid duty had a claim on the consideration of Government. The prolongation of the time would, probably, be sufficient to enable the retail grocers to get rid of their stock—their customers must have sugar from day to day: but with the wholesale traders the consumption would be at a stand-still, for the retail grocers would not come to them except for trifling supplies, to last till the alteration of duties. The wholesale grocers, therefore, would gain nothing, or the merest trifle, by the postponement. They certainly had reason to expect the Sugar Duties would be dealt with in the course of this year, and very probably a large reduction made; but not so early in the year. It was a very great advantage to the country, that the financial scheme of the Session had been brought forward so early; but the country ought to be prepared to pay the price, in the shape of a sacrifice of some little revenue. It was well worth it for the sake of trade generally. An advantage would otherwise be gained in a way which he thought hardly fair, at the expense of private interests.

Sir *W. Clay* thought a short extension of time might be given. As to the other point, if the whole question was to be regarded as under the consideration of Government, the House might properly leave it as was proposed; but Government would certainly find their proposed distinction impracticable. In America there was a classification, and the words of that tariff were,—"Brown sugar, the duty on importation of which is three cents per pound, is to include all Muscovado, all Havannah brown, all but the best white Brazil, all Calcutta sugar, all sugar from Canton, Siam, and Penang." The classification there had almost become a dead letter, inasmuch as scarcely any sugar was excluded by the description of that which was admissible at the lower rate of duty.

Sir *R. Peel* said, that when delay was asked in this matter it was not for the purpose of getting information to support the proposal of Government, but for the purpose of fair consideration; and if they found that proposal could not be carried into practice the fact should be fairly avowed. Government had asked the opinion of brokers on Saturday morning, and made other inquiries, and were not in a condition that night to pronounce a positive opinion; but at the same time hon. Members would see the great importance of passing the Sugar Duties before Easter. He did not wish to bind the House by passing the Resolution; nor would it be taken by surprise by his reserving the declaration of the opinion of Government till the House should be in Committee on the Bill, because a few days' notice of their intention should be given. As for drawing a distinction between the small retail dealer and the wholesale, he (Sir R. Peel) thought it could not be well done; nor, in fact, did he see any ground for it. It was very well to say that the retail dealer with his limited stock, would be able to get rid of it before the 14th of March, but that was not the fact; the consumers of sugar were, no doubt, hoarding whatever stock they had in hand, and their demand on the retail dealer would be very limited. The substitutes in use for sugar would be extensively called for, but sugar itself would not be greatly in demand in the meantime; the retail dealer, therefore, would have the same difficulty in getting rid of his stock as the wholesale. Parties must be subjected to inconvenience, and it must be admitted that it bore hardly in many cases; but it was the general rule, and Parliament would not forego the privilege of doing great public good, although it might foresee the possibility of particular inconvenience. If they attempted to make this special distinction between retail and wholesale dealers, they would find many cases wherein the retail dealers in country towns would say what the wholesale dealer was saying—that they never foresaw this alteration, and, therefore, ought to have an allowance.

Mr. *Labouchere,* referring to the declaration of the Government, that they were disposed to look thoroughly and completely into the question of the possibility and propriety of a classification of sugar before pledging themselves or the House upon the principle, observed, that it was a most important and most difficult question. Originally he approached that discussion with a disposition to believe a classification the best course to be adopted; forming that opinion very much upon the knowledge that it was the sentiment of a gentleman to whose authority, while he was living, the greatest weight was always attached—Mr. J. D. Hume; but then that gentleman did not contemplate a distinction between slave-labour Foreign sugar and free-labour Foreign sugar, and his principle for desiring a further classification was to meet the case of the fine white sugar of the Havannah, which, although not (technically speaking) refined sugar, approached near to it. He (Mr. Labouchere), as this discussion had gone on, had become very strongly impressed with the extreme difficulty of the distinction in practice, while an unsuccessful attempt would produce very great inconvenience. He understood the Government did not wish to give any peculiar advantage to the West India sugars over East India beyond what the sugars might merit; that the principle of legislation should be a *bonâ fide* equality between sugars the produce of all the Colonial possessions of this country. He understood also that the Government disclaimed any intention, under cover of a classification of sugars, at all to aggravate or increase the protection afforded upon the face of this measure to Colonial sugar, as distinguished from free-labour Foreign sugar. He did hope, that if the Government, looking fairly at this question, found that either of the two effects thus disclaimed as intended by them would be produced, they would frankly give up the attempt at classification. He (Mr. Labouchere) would confess, that even then he was not able to express any decided opinion upon the subject; it had been felt to be embarrassing by every Government which had had to deal with Sugar Duties; but the Minister ought to be prepared with a very clear answer to the objections made, and to support their decision by the testimony of competent practical persons who could tell how the system would work, not only in London, but in other outports, before they asked the House to agree to a measure which might have an effect disclaimed by themselves, and not desired by the House. As to the question of drawbacks, he agreed in their inexpediency upon general principles, when a change of duties might act unfavourably upon the interests of individuals: the practice of late years was the best—that of letting all run their chance, and forming their own opinions of probable alterations of duties. But the sugar trade was placed in a peculiar position by the early period at which the subject was brought forward. There was, he supposed, no precedent of Parliament passing a rate of duties for a year, and then anticipating the period for changing that scale by several months; such a course must take the trade by surprise, and he should be very glad if this hardship upon respectable traders could be alleviated. He confessed that he did not think it would be expedient to name a more distant day than had been fixed for the duties commencing; the injury resulting from a longer suspension would more than counterbalance the individual saving; but it was well worthy of consideration, whether some relief in the shape of drawback upon stock still in bond could not be afforded to the great wholesale dealers. He did not think that persons interested in the sugar trade had any right to suppose that Parliament would alter the Sugar Duties at such an unusual period of the year.

Mr. *Milner Gibson* thought a very strong case for postponement of the consideration of these duties had been made on both sides of the House. His right hon. Friend who preceded him wished that time should be given to traders to get rid of their stock of sugars, and the right hon. Baronet at the head of Her Majesty's Government wished to get time for reconsidering his measures. It was plain, therefore, that a postponement of the question should take place, and the House could not advance until they saw which way they would have to go. It appeared to some individuals well acquainted with the subject, that the

Resolutions which were submitted to the House by Her Majesty's Government were wholly impracticable; and the right hon. Baronet opposite did not tell them that night that they were practicable, but merely that he would inquire whether they were so or not. Under such circumstances, and viewing the feeling expressed on both sides of the House, it was evidently desirable that a postponement should take place. He had himself received letters from some of his constituents, stating, that of all visionary plans ever heard of in legislation, that proposed by the right hon. Baronet with respect to the Sugar Duties was the most visionary—that it was quite impossible to form a classification such as was proposed, or to adopt an *ad valorem* duty which would prevent fraud. It was even hinted at by some, that the Custom-house officers were not possessed of that Roman virtue which would render them proof against the temptation of fees or bribes, on occasions when it might be desired to get sugars of a superior quality admitted at the lower duties. He believed the right hon. Baronet would also agree with him in thinking, that if there was any authority in such matters worse than another, it was that of a Custom-house officer. When such a man was asked, "Could he discriminate in all cases between white clayed, brown, and Mucovado sugars?" he would say to himself, "Perhaps I may be promoted to the office of Surveyor of sugars," and with that idea in his mind, his reply would be, "To be sure, I can;" and the evidence to be procured in such quarters was, therefore, the most unsafe on which the right hon. Baronet could have possibly relied.

Mr. *Gladstone* said, he should confess he did not agree with the hon. Gentleman who had just sat down, that it was desirable a postponement of the question should take place. In his opinion the public Revenue would lose from 50,000*l.* to 100,000*l.* in every week that the question remained undecided, and though that consideration would be but a very trifling matter compared to the annoyance of any obstruction to trade, still it was not to be entirely lost sight of. He would grant that the case of the refiners was one of considerable importance, and that the circumstance of the Government bringing forward the Sugar Duties at so very early a period of the year would affect their business; but still it was, in his opinion, a question whether the refiners would not suffer as much under the position in which the matter rested, by the Government postponing the Sugar Duties to the period of the Session when they were usually brought on, as they could by having them decided at the present time. If, instead of having the question of the Sugar Duties brought under consideration in the middle of February, it had been postponed until the middle of June, the period of the year when the subject was usually brought forward, what would have been the result? Certainly not that a state of confidence would be imparted to the sugar market, but, on the contrary, it was much more likely that a stagnation would take place which would be much more injurious to the sugar refiners than any result that could follow from a decision on the matter at the present moment; for, after the excitement of last year, there could scarcely be a doubt but that every one would have looked forward to a reduction in the duties in the present Session. But even though the trade should suffer a loss at present, it ought not to be forgotten that there would be considerable compensation given. It was impossible that the consumer could get the entire benefit of the reduction immediately. The sugars affected by the new duties would have to pass through the hands of a large class of traders, and it was only by these gradually bringing down one another's prices, that the full benefit of the reduction would at length reach the consumers. He did not think, therefore, that there was anything in the present matter that could render it safe for the Government to depart from the usual course, and in fact, as far as he was concerned, he could not conceive any possible case in which it would be desirable that a postponement in the operation of Customs' Duties should take place. The hon. Member for Lambeth had pressed forward for a postponement of the operation of the new Timber Duties in 1842, in order that the trade might get rid of their stock. The case of timber was certainly a very hard one, because the stock on hand was much larger than it could be in almost any other article, and because a longer time would be required to get rid of it; but he should at the same time much question whether the course then taken had proved beneficial for the trade. With regard to the question of classification, it appeared to be the general feeling in the House, that it was one to be considered in Committee, and that no step ought to be taken upon it at present. While he would act upon that view he could not avoid expressing a wish that the House should guard itself against the notion, that because they had no system of classification before them at present by which they could fix the relative qualities of Java, Muscovado, and Havannah sugars, that therefore the matter was impracticable. The present system had the most injurious effects upon the improvement of sugar. By having no understood distinction except refined and unrefined sugar, the manufacturers were prevented from improving their sugars to a higher quality, lest they should be charged for as refined sugars, and thus many practicable improvements of great value were entirely neglected. He was not speaking on this question as a mere theory. He could mention as a practical instance of the fact, that parties with whom he was connected had imported sugars of an improved quality from the West Indies, and the Custom-house authorities fixed a value of eight guineas per cwt. upon them. The owners were in consequence obliged to send them to the Continent, because they would not be admitted into this country as Muscovado sugars, and the value fixed upon them by the Custom-house officers acted as a complete prohibition. The effect of such a system was to keep down all improvement in the manufacture of sugar, both in the East and West Indies, and the proposed system of classification would therefore be attended with very beneficial results. It was quite impossible that they could, as stated by the hon. Member for Lambeth, have any broad line to distinguish different classes of sugar, and that they could say all sugars of a certain kind are to be placed upon one side of it, and all other sugars upon the other side. They were not to have one duty for refined sugars and another duty for unrefined sugars—and he admitted that if such a plan were practicable, the system of classification would be very easy; but it was well known in practice that the different qualities of sugar ascended by imperceptible degrees from the very lowest kinds up to the best double refined sugar. They could not, then, continue the system on which they now stood. They might adopt either of two plans. They might introduce a certain number of classes, each to pay a fixed rate of duty, or they might abolish all classification whatever, and fix a certain duty per pound for all sugars. If they adopted the latter plan, they would, he admitted, have an intelligible system, under which no person could go astray; but he certainly did not expect that the House would pledge themselves to any such course, and in that case the other mode which he had mentioned was the only one open to them. A great deal had been said about the impracticability of any system of classification; but in a letter which he had received that morning from a gentleman who was connected with the United States, the writer expressed his surprise at the objections which were raised to the Government proposition, and stated that he had been for many years familiar with the sugar trade in the United States, where the system of classification was acted upon, and that he had never known any difficulty whatever to arise in practice under it. He should again repeat that any expectation of succeeding with a simple division of sugars into refined and unrefined sugars must prove perfectly hopeless. If they had no intermediate class of duties between 14*s.* and 18*s.* 8*d.*, any slightly improved quality of sugars, which would not be admitted at the lower duty, and for which it would not be worth while to pay the higher duty, would be kept away; but by adopting an intermediate duty of 16*s.* 4*d.*, the manufacturer would be no longer deterred from improving the inferior quality of sugar, and sending it into the market at the risk of having to pay an additional duty of 2*s.* 4*d.* a cwt.

Mr. *Hawes* said, the right hon. Gentleman commenced his speech by saying that it was an understanding in the House that no discussion as to classification was at present to take place, and yet he had entered into a long though not a very convincing statement on the subject. He (Mr. Hawes) felt that it was therefore open to him to follow the right hon. Gentleman through the same topics; but he would not avail himself of his right, as he thought it better to wait until they had the whole proposition of the Government respecting classification before them. This much, however, he should say, that the right hon. Gentleman had convinced him, and he believed the majority of hon. Gentlemen behind him, that the proposed alteration of the duties on sugars, according to their different qualities, was almost impossible. The right hon. Gentleman admitted that if there was no distinction in duties there would be no difficulty in the matter whatever, and the onus therefore lay with the Government to show why they could not do away with these distinctions altogether. The plan of the Government, in fact, held out a premium to the importation of articles of inferior manufacture. It went on the old principle of all their legislation—namely, that of legislating for protected interests. But the right hon. Baronet was gradually and steadily bringing the industry of the manufacturers of this country into direct competition with the manufacturers of Foreign countries in other instances, and they all undoubtedly on that (the Opposition) side of the House acknowledged the soundness of that principle. The right hon. Gentleman (Mr. Gladsone) said that postponement of the question would cause a loss to the Revenue of 50,000*l.* or 100,000*l.* a week. That was certainly rather a loose way of computation, and he begged to deny the truth of it altogether. But the right hon. Gentleman said a postponement would cause a stagnation of trade. If the right hon. Gentleman thought so, why did he and the Government not consent to a settlement of the question last year? He thought the right hon. Baronet (Sir R. Peel) and the Chancellor of the Exchequer had put the matter in a fair way before the House. They had stated that the inquiry, for which they demanded time, was not required to support their own views, but to enable them to consider the whole question, and that if the result outweighed their present impressions they would abandon them, and have no hesitation in altering their opinions. He thought the House ought not to offer any opposition to an inquiry asked for in that fair spirit, and he would, therefore, support the proposition for a postponement of the question.

Sir *Robert Peel* begged to remind the House and the hon. Gentleman who had just spoken of the terms on which the postponement had been asked for. He had already stated that he would not require the House to go suddenly into Committee on the Bill. On Mr. Greene's taking the chair, he (Sir Robert Peel) would announce his intentions on the matter to the House, and then give two days' notice of the discussion, so that all parties could be prepared fully to enter into it.

Mr. *Collett* confessed his ignorance of much of the distictions that were drawn between different qualities of sugar, and said he would be glad if the right hon. Baronet had told the House what was meant by Muscovado sugar.

Sir *Robert Peel* said, if the hon. Gentleman had applied to any person having the slightest knowledge of the sugar trade he would get a much better explanation than any he (Sir Robert Peel) could give of the difference between clayed and Muscovado sugars.

Lord *John Russell* said, an observation had been made by his right hon. Friend the Member for Taunton with respect to what had passed on a former night respecting Colonial and East India sugars. He could not but remember that the right hon. Baronet, when originally bringing forward his plan, had stated that 70,000 tons was the exact quantity which he expected to have imported from the East Indies, and that all that quantity would be liable to the higher duty. He thought the intentions of the Government ought to be known on that subject, as after what had followed in 1836, any intentions with respect to their interference with the East India interests should be distinctly understood.

Viscount *Sandon* expressed a hope that the House would be cautious in coming to any decision which might place the West India interests in a disadvantageous position. Any relief which would be merely advantageous to labour would be unjust towards the West India interests, in consequence of the great scarcity of labour in that quarter; and he trusted, therefore, that the House and the Government would not lose sight of that circumstance in any decision to which they might come. He also hoped that they would not forget the charge which formed so favourite a topic with the speakers at popular assemblies, that the Parliament were in the habit of unjustly taxing articles which were consumed exclusively by the poor. For instance, it was alleged that a duty of 200 per cent. was placed upon the inferior qualities of teas, while the duty on teas consumed by the wealthy was but 50 per cent.; and he hoped these complaints would not receive a new stimulus by the House giving unfair advantages to the finer and more expensive qualities of sugar.

Mr. *Bouverie* thought the demand made in favour of the traders should not be refused. The question was simply one of justice. The parties who were engaged in trade paid the duty merely in advance for the country, and by immediately bringing the system of reduced duties into operation, they prevented those parties from recovering the advance which they had thus made. The Government were, in his opinion, bound in common justice to allow them a drawback on the duty paid for the sugars now on hand. The right hon. Baronet the First Lord of the Treasury said, there was no distinction in principle between the wholesale sugar merchants and the retail dealers throughout the country. He admitted the truth of that allegation; but the inference which he drew from it was, that the retail dealer was also entitled to receive a drawback.

Mr. *Borthwick* thought the measure on the Table exceedingly just and equitable, and one which he could see no difficulty in carrying out in practice. He also thought that a protection was due to the West India proprietors after the great experiment in the labour market of which they had been made the victims.

Mr. *Hastie* thought that it would be much better to postpone the consideration of the Resolutions until the Government had made up their minds as to the classification. From his experience of Customhouse officers and this trade, he could state without hesitation, that the plan of discrimination suggested in the Resolutions was perfectly impracticable, as it would lead to endless disputes. He would not then open the question which was so ably brought forward a few nights ago by the hon. Member for Beverley; but he would merely observe that he trusted that the Government, on reflection, would consent to have only one certain duty on Colonial sugars. This would be a great step towards the simplification of the Customhouse duties, with respect to which the right hon. Baronet had already done so much, and proposed to do so much more during the present Session.

Sir *J. R. Reid* would take that opportunity of thanking the Government, on the part of the West Indian interest, for this measure. He was glad to find that the discussion of the evening had been carried on in such a spirit of fairness. All that the West Indies asked, after the long period of depression under which they had laboured, was fair play: and if they had this, and had facilities afforded for obtaining labour, they would produce sugar abundantly sufficient. There was one point which he was particularly anxious to press upon the Government; namely, that it was most desirable that the duties should be as nearly as possible permanent. At any rate they should be of such a character as to lead to the inference that there would be no alteration in them for some time; for one of the great grounds of complaint with the West Indian body was the want of certainty in the legislation affecting them.

Mr. *C. Wood* suggested another reason for postponing the further consideration of the subject; namely, that time might be afforded to the right hon. Gentleman to make further inquiries as to the correctness of the estimates of the different qualities of sugar, which would be introduced under this plan. It had been stated that out of the 70,000 tons which it was estimated would be introduced from the East Indies, a much larger proportion than was estimated by the right hon. Baronet would be introduced at the lower range of duties. The consequence would be a loss to the Revenue of about 200,000*l.* If, upon inquiry, the Government were obliged to abandon the principle of classification, they would lose the 2*s.* 4*d.* duty upon the class of white clayed sugars; and this, as he had observed, would amount to about 200,000*l.* The right hon. Gentleman should be cautious upon proceeding, at the risk of entailing such a loss upon the Revenue. Let him not forget that he could not recover this loss by augmenting the duties in a Committee of Ways and Means. Of course, by postponing the further consideration of the subject for a few days, the right hon. Gentleman would not be pledged to any particular course.

The *Chancellor of the Exchequer* said, that if the Resolutions were now passed, the House, on resuming the consideration of the subject on a subsequent day, if the inquiries to be instituted by Government were favourable to the plan as it stood, would be in a situation to expedite the progress of the Bill. But he would not object to postpone the further consideration of the Resolutions to a future day, on the understanding that the question should then be disposed of, and the Bill should be allowed to go through its various stages with all possible expedition, so that it might come into operation as early as possible. He would, therefore, feel no objection to the course proposed by the hon. Member for Halifax, on these conditions:—first, that by consenting to the postponement of the Resolutions he (the Chancellor of the Exchequer) did not give any pledge as to the abandonment of these Resolutions as they at present stood; and, secondly, on a general understanding that the discussion should be taken on the Resolutions as proposed, and that if they were agreed to, no impediment should be opposed to the progress of the Bill. If he understood this to be the feeling of the House he would assent to a postponement; but hon. Gentlemen were aware that this was a question involving great practical difficulties, and that the Government were most anxious to expedite the measure.

Lord *John Russell* thought that the proposition of the right hon. Gentleman was perfectly fair. He hoped the right hon. Gentleman would give some notice of the course which he intended to take. He would not suggest two days' notice; but probably the right hon. Gentleman would, on Thursday, be able to give some explanation of the course he intended to take on Friday.

Mr. *Parker* observed, that if this plan had been adopted at the usual time of passing the Sugar Duties, he should not have urged a drawback; but as it had been brought forward several months before the Sugar Duties were usually adopted, the sugar refiners and other extensive dealers would not have calculated on such a change; it would, therefore, be attended with great injustice to those who had large stocks on hand.

Mr. *Hume* hoped that on Friday the Chancellor of the Exchequer would be able to state to what extent the Government was prepared to allow a drawback, or at any rate to postpone his plan coming into operation. It would be a very great hardship on the dealers if they did not allow them a drawback for the stocks which they had on hand, which they had taken out of the Queen's warehouses. He was glad that the Chancellor of the Exchequer had acceded to delay the further consideration until Friday. He also thought that the observation of the hon. Baronet the Member for Dover was well worthy the attention of the House. The Government should make up their minds as to the duration of these protective duties. He was satisfied in his own mind that they would not be permanently continued; but the Government should at once state that they proposed them for a certain period, say for three, four, or five years. There was such uncertainty at the present moment, that no one would advance capital for the purpose of sugar cultivation. They might obtain an enormous supply of sugar from the East Indies, but not a shilling of additional capital, as he believed, had been embarked in the cultivation of sugar there, in consequence of the uncertainty which prevailed. They, therefore, should at once say that they intended the present plan to last for a certain time, and it would be seen that persons would at once embark capital. He hoped this subject would also engage the attention of the Government before Friday.

Sir *J. R. Reid* observed, that this was certainly the most sensible speech that he had ever heard from the hon. Member, and he was gratified that anything that had fallen from him had been the means of eliciting it.

Mr. *Thornely* hoped that the House of Commons would never consent to a permanent scale of duties until there was perfect equality, and all protection had been got rid of. He was surprised that his hon. Friend the Member for Montrose should set aside the interests of the consumer. They talked of West Indian and East Indian interest, but he called upon them to look to the interest of the people at large. His chief object, however, in rising was to urge on the Chancellor of the Exchequer the propriety of reducing the proposed amount of duty on candy from Foreign countries. It was probable that no sugar could be obtained from China, but they could procure large quantities of candy, and he need hardly impress upon the right hon. Gentleman the desirableness of increasing as much as possible the number of articles to be imported into this country from China.

Mr. *Hume* must express his surprise at the observation of his hon. Friend, as he had not said one word as to the permanence of the protective duty. His observation was directed for the benefit of the consumers of sugar. At the present moment the cultivation of sugar was not carried to the extent that it might be, in consequence of capitalists not being willing to embark in it on account of the uncertainty. All that he said was, fix the present plan for a limited period, either two, three, or four years, and this would induce an increased cultivation of sugar in the East Indies, and by this means the price would be reduced. He was as little in favour of protection as his hon. Friend, as he was anxious that sugar from all places should be admitted on a footing of equality.

Mr. *W. Williams* could not conceive how the right hon. Chancellor of the Exchequer could justify the serious loss which his measure, in its present form, would entail upon the holders of sugar. He thought there should be some extension of the time at which the measure was to come into operation, with a view to mitigate the loss of those individuals who had large stocks of sugar on hand. If the period for bringing this measure into operation were delayed to the full extent required by those parties, their loss must still be very great, for a considerable reduction in the price of sugar had already taken place; but certainly Government ought to do all in their power to make that loss as light as possible. He believed that if the right hon. Gentleman would extend the time to the 5th of April, such a course would give general satisfaction to the dealers throughout the country. If the right hon. Gentleman would not consent to such an extension, he (Mr. Williams) should feel it his duty to take the sense of the House on the subject, and he would also offer all the opposition in his power to the progress of the Bill.

Dr. *Bowring* felt some alarm at the speech of the hon. Member for Montrose, especially as he remembered the compliment which had been paid to that hon. Gentleman a few nights since by the right hon. Baronet opposite. He must say that he thought the hon. Member (Mr. Hume) had evinced too little regard for the great and paramount interests of the consumers.

The Chairman was ordered to report progress.

The House resumed. The Committee to sit again.

House adjourned at eight o'clock.

HOUSE OF LORDS,

Tuesday, March 4, 1845.

MINUTES.] BILLS. *Private.*—1ª· Calvert's Estate.

PETITIONS PRESENTED. By Duke of Richmond, from Uckfield, and 11 other places, for Protection to Agriculture.—From Longstock, and 6 other places, for Repeal of Malt Tax.—From Abernethy, for Improving the Condition of Schoolmasters (Scotland).—By Lord Ashburton, from Society of Mutual Communication for the Protection of Trade, against the Insolvent Debtors Act Amendment Act.—By Lord Denman, from Augustus J. A. S. Hoffstadt, for Alteration of Law relating to the Swearing of Bankrupts to Balance Sheet.

AGRICULTURAL DISTRESS.] The Duke of *Richmond* presented several petitions from owners, occupiers, and tradesmen in Cuckfield, and other places in Sussex, complaining of considerable distress and loss of property from the present low price of agricultural produce. The petitions were signed by a large number of persons resident in Sussex, who had stated the number of acres they possessed, and he (the Duke of Richmond) could bear testimony to their respectability and vouch for the truth of their statement. He was quite certain that he was expressing their opinion as well as his own, when he stated that they had heard with the greatest regret and feelings of the bitterest disappointment that no relief was about to be offered by the Government to those who were suffering severe distress, but only to those classes whom he (the Duke of Richmond) was happy to say were enjoying prosperity. He need hardly say, after the pledge he had given, and which he intended to fulfil, that when the new Tariff came up to their Lordships' House, he should move to expunge all those clauses that gave advantages to the untaxed foreigner at the expense of the British farmers, labourers, and their families. He regretted extremely the course the Government had pursued. He thought, as he had always stated, that free trade would be the ruin of this country, and he saw in all the changes which were made the wish to go forward in that career. And he must say, that if by degrees the labourers were to be ruined by having articles brought into this country free of duty, and thus thrown out of employment, there would be nothing left but the Corn Laws to support the tenantry and the landowners of England.

INSOLVENT DEBTORS ACT AMENDMENT ACT.] Lord *Ashburton* presented a petition from tradesmen in Westminster, complaining of the operation of Lord Brougham's Act abolishing Imprisonment for Debts under 20*l*. The petitioners alleged that this law enabled their debtors to set them at defiance.

On the Motion of the noble Lord, the petition was read by the Clerk at the Table.

Lord *Brougham* thought the petition was exceedingly important, and agreed with the prayer of the petitioners. He regretted that those who had lavished so much abuse upon the person who had introduced the Bankruptcy and Insolvent Bill had not abstained from doing so, and confined themselves to praying to have some supplementary measure introduced, because it was, in point of fact, not his (Lord Brougham's) Bill, but part of a Bill which had been drawn by a noble and learned Lord (Lord Cottenham) not then present. He was sure that if that fact had been known, he and his noble and learned Friend the Lord Chancellor would have been saved the abuse they had been subjected to, as it had arisen principally with the political friends and partisans of the noble and learned Lord to whom he had alluded. He and his noble and learned Friend had found, on investigating the case, the gaols connected with the Small Debts Courts in such a horrible state as to be unfit—not only for Christians and fellow-creatures—but even for animals. His noble and learned Friend the Lord Chancellor had, last Session, read to the House accounts from respectable persons, which made one's blood curdle to think that fellow-creatures—so many as six, eight, and sometimes twenty — were confined in a small room, not for a week or ten days, but often for an indefinite period, where they could not breathe wholesome air, and had straw to lie upon, without the use of water. In many of the gaols the rooms were infinitely worse than those in which felons sentenced to death were confined, and the poor unfortunate debtors, owing no more than perhaps 20*s*., or 10*s*., had not the means of discharging their debts, and relieving themselves from so frightful a confinement. It was that reason which had induced him and his noble and learned Friend the Lord Chancellor to adopt so much of his other noble and learned Friend's Bill as applied to debts not exceeding 20*l*. He believed that more than nine-tenths of the debts to retail dealers were under 20*l*., and he regretted that they had not introduced a guard into their Bill for the purpose of enabling creditors to obtain from salaried clerks in public or private offices, who lived in furnished lodgings, and had no goods of their own, a certain portion of their salaries in payment of the debts they had incurred. But it should be remembered also that parties did often very rashly and improperly give credit. He did not, however, despair of being able to apply a remedy for the evil. He thought the working of the Act had been highly beneficial, inasmuch as it had tended to restrain the shopkeeper from rashly and improperly giving credit.

Lord *Campbell* would heartily concur in any measure for reaching the property of debtors, but he hoped their Lordships would not be induced to retrace their steps in regard to the abolition of Imprisonment for Debt. He must observe, that various parts of his noble and learned Friend's measure, which were intended to reach the property of insolvent debtors more effectually, had not been adopted by the House; if they had received the sanction of Parliament, there could be little doubt that these complaints would not have arisen. It was satisfactory to know that no evil had arisen from the abolition of mesne process, although persons in business had always supposed that that was the best means of recovering debts due to them; and he believed that Imprisonment for Debt on final process might be taken away with the utmost safety. At the same time he allowed that everything should be done to compel the debtor to make a fair disclosure of his property, and oblige him to surrender it to his creditors. He agreed that debtors did more evil than creditors, but he thought it of importance that commercial persons should see that they ought not to give credit to persons with whose character and circumstances they were unacquainted.

Petitions laid on the Table.

Lord *Denman* presented a petition from Augustus J. A. S. Hoffstadt, who stated that he had been compelled to remain in gaol for contempt for three years, notwithstanding that his accounts had been laid before the Commissioners of Bankruptcy, and found to be most satisfactory, because from conscientious motives he had refused to swear to his balance sheet. He also stated that he was reduced to the greatest distress, in consequence of feeling a similar scruple as to taking the oath required by the prison regulations, in order to entitle him to the prison allowance. He hoped that his noble and learned Friend on the Woolsack would give his attention to the subject, that some remedy might be provided in the case.

The *Lord Chancellor* said, he would make inquiry into the subject, with the view of providing a remedy for the case of those who felt conscientious scruples as to taking oaths.

Petition ordered to be printed.

ECCLESIASTICAL COURTS.] Lord *Campbell* rose for the purpose of putting the question of which he had given notice. He wished to know if it was the intention of Her Majesty's Government to introduce the Bill of which they had formerly given hopes for the reformation of the Ecclesiastical Courts. A rumour had gone abroad that in another place one of Her Majesty's Ministers had declared there was no intention whatever on the part of Her Majesty's Government to bring the subject before Parliament during the present Session. Till he heard from one of Her Majesty's

Ministers that there was no such intention he could not bring himself to believe it. Their Lordships were well aware that this was a grievance which had long been felt; that there was a Commission, consisting of all the principal Judges in Westminster Hall, which unanimously concurred in the recommendation that these Courts should be reformed; that there was afterwards a Commission, called the Real Property Commission, of which he (Lord Campbell) had the honour to be a member, which unanimously concurred in the same recommendation; that there were also Committees of both Houses of Parliament, who unanimously concurred in that recommendation; one of those Committees in the other House of Parliament being presided over by Sir J. Graham.

The Duke of *Wellington:* Are you going to make a Motion? I thought you wished an answer to a question.

Lord *Campbell* was only making a statement for the purpose of refreshing the memory of his noble and learned Friend on the Woolsack as to certain points which he feared had slipped from it.

The Duke of *Wellington:* You do not know what his answer is.

Lord *Campbell* had been much alarmed by the rumour that there was no intention to bring forward this Bill, and he thought it would be more satisfactory to remind his noble and learned Friend and the noble Duke of what had previously taken place; but if it would be more convenient that an answer should in the first instance be given, he was at all times most ready to bow to any recommendation from that quarter, and he would at once put the question to his noble and learned Friend, when it was the intention of the Government to bring forward a Bill for the reformation of the Ecclesiastical Courts, such as had been recommended to Parliament by Her Majesty, in Her Speech at the opening of the Session of 1842.

The *Lord Chancellor:* My noble and learned Friend seems to have been taking lessons in equity practice; his questions assume the shape of Bills in Chancery. If he had put a short question to me I would have given a short answer. I have no intention of bringing in such a Bill in the course of the present Session.

The Earl of *Ellenborough* said, it appeared to him that a very unusual practice had grown up during his absence from this country. Would the noble and learned Lord permit him to state to the best of his recollection what used to be the practice of their Lordships' House? In former days speeches were not permitted to be made when questions were put, and were allowed only for the purpose of founding a Motion.

The Earl of *Minto* said, it was true that the habit of which the noble Lord now complained had grown up during his absence. The habit was certainly an extremely bad one, and the sooner it was put an end to the better, provided it were understood that the order was to be observed on both sides of the House.

Lord *Campbell* said, he was most anxious to conform to the rules of the House, and he hoped he had not infringed any of the rules he had found in their Lordships' House since he became a Member of it. He avowed that he thought some of them were certainly of a very extraordinary nature, and did vary very considerably from the rules he had found to prevail in the other House of Parliament, because there most undoubtedly the rule was, that in putting a question you were simply to state the facts that were indisputably necessary for the purpose of raising it. But on both sides of their Lordships' House, since he had had the honour of sitting in it, he had found the custom prevail of prefacing a question by what might be called a speech. He could not but express a regret at the answer of his noble and learned Friend. Were they, then, to to despair, in all time coming, of seeing the opprobrium thrown on the administration of the law by the Ecclesiastical Courts removed? Three hundred and eighty courts—

The Duke of *Wellington* rose to order. The Orders of their Lordships' House required that if a noble Lord made a speech he must conclude by a Motion, and if he concluded by a Motion, the courtesy of the House had been to give notice of it. He believed he had now stated exactly the Order of the House and the courtesy of the House. The noble Lord would be, he was sure, desirous of adhering to what had been the order and courtesy of the House, and if he meant to make a speech on the subject of the omission of his noble and learned Friend in not bringing forward the Ecclesiastical Courts Bill, he hoped he would have the kindness to give notice for Thursday or any other day.

Lord *Campbell* at once bowed to the authority of the noble Duke, and would not resort to the expedient of finishing with some evasive Motion for the purpose of making a speech. He would consider what was the best mode of bringing the subject regularly before the House.

House adjourned.

HOUSE OF COMMONS,

Tuesday March 4, 1845.

Minutes.] Bills. *Public.*—1°. Field Gardens.

Reported.—Stamp Duties Assimilation.

3°. Companies' Clauses Consolidation; Companies' Clauses Consolidation (Scotland).

Private.—1° Newcastle and Berwick Railway; Manchester and Salford Waterworks; Scottish Central Railway; Harwell and Streatley Road; Belfast and Ballymena Railway; Lynn and Ely Railway; Edinburgh and Glasgow Railway.

2°. Huddersfield and Sheffield Junction Railway; Whitby and Pickering Railway; Leeds and Thirsk Railway; Barnsley Junction Railway; Wallasey Improvement; Eastern Counties Railway (Ely and Whittlesea Deviation); Blackburn, Burnley, Accrington, and Colne Extension Railway; Manchester, Bury, and Rossendale Railway (Heywood Branch).

Petitions Presented. By Mr. W. Martyn, from Newport, Isle of Wight, for diminishing the number of Public Houses.

Railway Clauses Consolidation Bill.] House in Committee on the Railway Clauses Consolidation Bill.

On the 15th Clause,

Lord *G. Somerset* said, that after a good deal of consideration he had come to the determination to leave out from the words "such lands" to the end of the clause, if the House would permit him. The clause, as it would then stand, would give everything to which either the company or the parties with whom they had to deal, might feel necessary for the preservation of their respective rights. The power of deviation would be sufficient for the purposes of any company, and if there were any peculiar circumstances which would affect the proceedings of any parties in a particular case, they could easily be provided for by the Private Bill for the institution and government of the company. On these accounts, and especially as the clause would then be sufficient to answer the purposes of a Consolidation Bill, he thought it better to yield to the opposition offered to the clause, and strike out all the words from "such land" to the end of the clause.

Mr. *Hayter* said, that he regretted the noble Lord had expressed a wish to leave out these words, for he believed that they were necessary, in order to define the limits of the deviation. If not forming part of this clause, they must be introduced into some other clause; and if not introduced into this Bill, must be introduced into every other Private Bill that came before the House. Now, the object of a Consolidation Bill was to obviate all this reiteration; and, therefore, he conceived that it would be better to give the power at once in this Bill, especially as the same power must be allowed to every railway company that should hereafter be formed.

Lord *G. Somerset* said, that the observations of the hon. Member for Wells (Mr. Hayter) with respect to the power, were perfectly correct. But the feelings of opposition to this clause on both sides of the House were very strong; and although he believed that it was very desirable to introduce the power into this Bill, yet there were difficulties about it—which perhaps might be obviated quite as well in the Committees on Private Bills. In many Railway Bills there would be very peculiar circumstances to be considered which would greatly affect the operation of this clause, and on this account he thought it would be better to strike them out.

The words omitted. Clause as amended agreed to.

On the 18th Clause,

Mr. *Spooner* said, he did not think the clause afforded sufficient protection to gas companies and water companies, or the consumers of gas and water. All the houses in a town, say Birmingham, were lighted with gas; and if a railway company in their operations should interrupt the supplying of gas or water for a day, see what a serious inconvenience it would be to a whole town. The clause gave 20*l.* a-day compensation for any unnecessary interruption; but he would ask what compensation would 20*l.* be for the stoppage of gas or water for a day to a manufacturer or tradesman?

Mr. *Hawes* concurred with the hon. Member for Birmingham, but he presumed that he only wanted to guard against a railway company doing anything of the sort wantonly or unnecessarily.

Mr. *Spooner* would propose that, instead of 20*l.* a-day, the penalty be made 50*l.*; either that or substitute the word "hour" for "day;" for he would again repeat, that 20*l.* would be no compensation to a manufacturer for the loss of his supply of gas or water for one day. And as to the remedy by action, why in some cases the expense of taking the action would amount to more than the sum to be recovered. He would therefore move that the penalty be 20*l.* an hour, if any hon. Member would second it.

Mr. *Fox Maule* said, this was certainly a very important point; but he perceived by the preceding clause that a power was given to gas and water companies to take actions against railway companies, in the event of the latter causing damage to the works of the former. Now, he would wish to know if tradesmen and manufacturers had any easy mode of getting compensation for the deprivation of gas or water for a day?

Lord *G. Somerset* said, there was a clause in the Bill giving compensation to such persons for any damage unfairly occasioned. But it should be remembered that neither gas companies, nor water companies, nor extensive manufacturers, were generally so impoverished as not to be able to sustain an action in a court of law in such cases.

Mr. *Spooner:* The noble Lord had stated that the clause gave a remedy against all damages "unfairly" done. But he would ask how that could be said to be "unfairly" done which was done under the sanction of an Act of Parliament and the direction of an engineer? He knew an instance where a gentleman's park palings had been broken down by a railway company, and when he sought compensation for the injury, the answer he received was, that nothing had been done that was not necessary and unavoidable. And as to the gas and water companies not being impoverished, why that was very true; but what remedy were individuals of small means to have in case of such injuries?

Sir *George Strickland* conceived that 20*l.* a day was not a very severe penalty; but he thought if it were made 20*l.* an hour, very vexatious use might be made of it. And as to a remedy by an action at law being too expensive, he could not see how any remedy was to be had by any other means.

Lord *G. Somerset* said, there were subsequent clauses in the Bill, by which a summary mode of recovery was provided for all injuries sustained under the value of 20*l.*

The Committee divided on the question, that the word "day" stand part of the clause:—Ayes 30; Noes 7:—Majority 23.

List of the AYES.

Arkwright, G.
Brotherton, J.
Bruges, W. H. L.
Carew, W. H. P.
Clerk, rt. hon. Sir G.
Cripps, W.
Egerton, W. T.
Entwisle, W.
Gladstone, rt. hn. W. E.
Hawes, B.
Henley, J. W.
Hepburn, Sir T. B.
Hussey, A.
Hutt, W.
Irton, S.
Jermyn, Earl
Johnstone, H.
Jolliffe, Sir W. G. H.
Loch, J.
Maule, rt. hon. F.
Parker, J.
Pulsford, R.
Rice, E. R.
Russell, C.
Somerset, Lord G.
Stanley, hon. W. O.
Stanton, W. H.
Thornely, T.
Trotter, J.
Wawn, J. T.

TELLERS.
Young, J.
Hayter, W. G.

List of the NOES.

Butler, hon. Col.
Copeland, Ald.
Ferguson, Sir R. A.
Plumptre, J. P.
Stansfield, W. R. C.
Strickland, Sir G.
Wodehouse, E.

TELLERS.
Spooner, J.
Sibthorp, Col.

Clause agreed to.

On the 20th Clause, company to have the power of taking certain lands, &c., for the erection of spoil banks and other purposes, within a thousand yards, in some cases, of the centre of the railway, and within two hundred and fifty yards, in other cases, of the centre of the railway,

Sir *W. Jolliffe* said, as the clause stood it was highly objectionable. He did not wonder at landed proprietors complaining of the encroachments made upon their property by railway companies, for it was impossible to say to what extent a company might not carry the powers contained in this clause. As to a landed proprietor obtaining anything like compensation for the injury done to his property, it was out of the question. No idea could ever be formed of the amount or description of damage likely to be done, as that rested almost entirely with the engineer of the company, who seldom or never gave a proper notice of the proposed encroachments. The extent to which the power conferred by these clauses was acted upon was most incredible. A piece of land might be covered with chalk, and there it remained not only for a short period of time, but to the permanent injury of the lands and the general disfigurement of a fertile and verdant estate. Such a system as this, all must admit, was most injurious to the rights of individuals; and he, therefore, hoped some Amendment would be made in the clause to put a stop to it.

Colonel *Sibthorp* fully concurred in what had fallen from the hon. Member who had just sat down. The injuries done by the engineers of railway companies to the property of private individuals was most unjust, and called loudly for a remedy. Not content with making encroachments in the day-time, these marauders of engineers took advantage of the darkness to commit those trespasses which their modesty would not suffer them to do at another period. Only a short time back an hon. Friend of his rose one morning and found a flag stuck up before his door. And were such depredations as this to be tolerated? Whenever a gentleman met a stranger upon his lands he would certainly turn out to be the engineer of some railway company or other. They had nothing to do but to ask, "Who are you?" then the party replied, "I am the engineer of such and such a railway, and am acting under the law." But if he were the owner of the land, he would take care that the fellow should be promptly conveyed before a neighbouring magistrate. The hon. Gentleman had very properly asked, "Where or how are you to get compensation?" "Go to law" was the reply. Go to law, indeed! How was a poor farmer to contend against an irresponsible body! Well, then, if they conferred such enormous powers upon a railway company, why should they not compel them to afford full and ample compensation for the injury they did to the rights of private property.

Lord *G. Somerset* said, that he should propose that the first blank in the clause, limiting the distance at which the company could interfere with private roads, should be filled up with 500 yards instead of 1,000, and the second blank with 200 yards instead of 250. This was an important alteration. As to the remuneration for damage done, he should propose some alterations on that head in the 29th Clause. With regard to the present clause, he could not see that any alteration could be made beyond that which he had just mentioned.

Mr. *Aglionby* said, it seemed as if the clause was meant to give a bonus and advantage to laxity of engineering. It said if the line was properly laid down, it was well; but if it was carelessly laid down, it was well also; and the railway company might have the benefit of its own carelessness. He should wish the engineers to be compelled to be as strict as possible in the first instance, that the public might know how far they were injured by any railway. In the first Bill they had a power of deviation of one hundred yards; then there was a further power of deviation, and now they came for 500 yards more.

Lord *G. Somerset* said, that his attention had not been drawn to the former, but to the latter part of the clause. By the Amendment which he intended to propose to the 29th Clause, he had provided all the compensation for private rights which money could give.

Sir *W. Jolliffe* said, that this clause was so utterly objectionable that he did not think either the House or the country would suffer it to be introduced into any Bill. He did not wish to place a railway company in a worse position than any other company, but by having the power of making a deviation of two hundred and fifty yards, they would be acquiring a right which might prove of the utmost detriment to an estate. This deviation might bring the centre of a tunnel close to a mansion, or it might fall upon a lot of brick earth. He knew of an instance in which a plot of twenty-three acres was taken in the very centre of a property. In the middle of this was a clay pit, with its brick kilns and other buildings, that covered the whole of this area of twenty-three acres. And not only was there the nuisance of making the bricks, of which not less than 13,000,000 were made during the occupation of the land, but there was not less than 300 labourers encamped upon it for the space of three years; and this nuisance might have existed for seven years, for that was the time allowed for the construction of the railway. For half a mile on all sides the trees and shrubs on the estate were injured and checked in their growth. This he conceived to be an immense nuisance. But there was a further evil, for he understood that while the labourers were domiciled on this property, the small-pox broke out among them, and created a serious danger, not only to the family of the proprietor of the land, but also to all the other residents in the neighbourhood.

Mr. *Hayter* said, that he did not object to the words of the right hon. Gentleman; but, before they were inserted, he thought it was advisable to ascertain what was the provision of the clause. The thing to be considered was, whether it were better to use a private road or no road at all? Which would occasion most damage? By the 43rd Clause full compensation was given to those who suffered, and this was one of the two parts into which the clause naturally divided itself. The second part referred to the deviation. Now it was necessary to take this deviation, for the company required it for four purposes—for side-cuttings, for depositing their spoil earth, for private roads for the railway, and for agricultural roads. The first object for which they required the deviation was for side-cuttings. Now, by the evidence of the most eminent engineers last Session, it was proved that it was utterly impossible for human wisdom to foresee the precise line which a railway ought to take, for it was not until they arrived at a particular place that they could ascertain what cuttings were necessary. He thought that there could be no objection to the provisions for enabling the makers of railways to deposit the spoil somewhere, and to draw materials from the immediate neighbourhood of the line, especially as care was taken to secure compensation for the injury they might do. The clause had been taken from the model Bill, and had been hitherto uniformly acted on.

Mr. *Tatton Egerton* had sat on railway committees for several years, and he was convinced that the clause would be unnecessary, if the engineers were required to state before the Committee precisely what land they would require for the objects of their line—cuttings, the deposit of spoil, the raising of materials, or whether for the formation of temporary roads. But the statements of these Gentlemen before the committees were always of the most vague and unsatisfactory nature, so that no person along the whole line could ever tell to what extent his land might be damaged. He would move the omission of the clause.

Mr. *Stansfield* said, that it was too much to extend those powers to a distance of two thousand yards. He thought it ought to be limited to the distance in the deviation clauses.

Mr. *Darby* complained of the power given to engineers to go in upon land, and the consequence was, that the engineer invariably complained that he had "too little land." He contended that the engineer ought to know how much land he would require to deviate upon, and if he could not tell that, then he contended that the engineer did not know his business.

Sir *G. Strickland* agreed that there was much to be complained of on this point, but there was great difficulty to be met with in trying to remedy the evil. He thought it would be well to have all remedies for such grievances put into one Consolidated Bill, in order that, when they did occur, parties might not be put to the trouble of trying to find out in what particular Bill the remedy lay. He had heard of an instance where an excavation had been made by a railway company, and they left a pond of water that they never filled up, so that the owners, instead of having the vacancy filled up, got a swamp instead of land. However, he feared that temporary occupation of the land in this way would always be necessary.

Mr. *Hawes* defended the clause. It provided ample compensation to the landowner, to whom it also gave the option of compelling the railway company to purchase his land out and out. He could not see what good would result by expunging this clause; for when a company went before a Private Committee it would cirtainly obtain (if this limitation clause were not inserted) as much land on both sides of the railway as they could prove to be necessary for the purposes enumerated in this clause. He could not conceive that they could adopt any clause better calculated to afford ample security to the landowner.

Mr. *Darby* said, the hon. Member for Lambeth had entirely avoided the point he had raised. What he objected to was this, they gave indiscriminate powers to the engineer, who invariably omitted to mention the quantity of land he should require, and after the Bill was passed he turned round and said he wanted this and that land, which had never been thought of before, either by the Committee or the owner. Now, what he wanted them to do was, to let the engineer decide in the Committee the quantity of land he would require, and afterwards confine him to this quantity, without giving the unlimited powers contained in the clause they were then discussing.

Mr. *Gladstone* was for making the best arrangement possible; and he thought there was some reason in the suggestion of the hon. Member for Sussex, to the effect that these powers should only be given in cases where they might be necessary to make use of them. In the case of brickwork also, it was impossible for any engineer to foresee how many bricks would be required, and therefore, in his opinion, the power of deviation ought to be given. If this clause were to be expunged the effect would be that the small proprietor would be disregarded, and the wealthy classes alone would be cared for.

Lord *G. Somerset* said, that he would consider the proposition of the hon. Member for Sussex (Mr. Darby), and he would move that the Chairman report progress, and ask leave to sit again on Thursday. In the meantime, he would take an opportunity of communicating with his hon. Friend, and try if they could not frame a clause which should obviate the difficulty which was felt on all sides of the House to the clause as it now stood.

House resumed.

Committee to sit again.

House adjourned and met again at five o'clock.

Railway Bills.] Lord *G. Somerset* rose for the purpose of bringing under the consideration of the House the First Report from the Committee on Railway Bills. The Committee had been appointed to consider the most expedient mode of conducting the examination into the enormous number of railway projects submitted to the House; it had in consequence prepared a variety of Resolutions which he apprehended were framed in such a manner as to afford to the House nearly all the explanation of which it would stand in need. The Committee had confined themselves to the question of the Bills likely to be brought before Parliament, and for this purpose they had called before them Mr. Laing, of the Board of Trade, who stated, that no fewer than 248 projects had been submitted to it. It appeared that the Committee of the Board of Trade had divided the bills into what they called groups or families, as a great many must be considered together and in connexion. The first point the Select Committee of this House had decided was, that a Committee ought to be appointed to classify the Bills; and we believe the noble Lord added that the nomination of the Members of that Committee ought to be in the Government. Let the nomination be where it would, it must be found very difficult to select names of individuals who were not more or less influenced by local considerations. As to the classifying of Bills, he observed, that competing lines would not sufficiently represent the various projects bearing on each other, for there were in most cases a great number of subsidiary lines, depending upon the question whether one line were taken on the other. Difficulties might also arise out of the forward state of some projects, and the backward state of others. On the choice of the five Gentlemen to whom a family or group of railway schemes was to be submitted, some serious considerations could not fail to arise. On some accounts it was exceedingly desirable to place upon the Committee Members who had local knowledge, since they often prevented the necessity of employing agents or counsel to represent the interests of the smaller and poorer proprietors of the soil. On the other hand, the objection to local Members was, that they would sometimes be too much influenced by local and partial interests. The line of 186 miles from London to York, passed through about 300 parishes, and it would not be possible to form a Committee on such a line of Members who were not, in any part of the distance, locally connected? Of the five Members to be appointed three were to form a quorum, and no business could be proceeded with if fewer than three Members were present, but an adjournment must take place until the next day. The trust was considerable; but he had no doubt that the Members would show themselves worthy of the confidence of the House. Another point related to the mode in which Bills were to be dealt with in Committee, and it seemed just that an opportunity should be allowed to every petitioner to state his case; but this was a matter which the House need not be in haste to determine, as it did not appear likely that it would be in a condition to go into Committee upon any railway bill until after Easter. His Lordship concluded by moving that the Resolutions be read. Resolutions read as follow:—

1. "That a Committee of Five Members be appointed, to be called The Classification

Committee of Railway Bills, and that Three be the quorum of such Committee.

2. "That Copies of all Railway Bills presented to the House, and a list of all projected Railways, of which Plans and Sections have been deposited in the Private Bill Office, be laid before the said Committee, together with all Reports and Minutes of the Board of Trade upon such projected Railways, which shall have been laid, or which shall from time to time be laid, before the House.

3. "That the Committee of Classification shall form into groups all Railway Bills or projects which, in their opinion, it would be expedient to submit to the same Committee.

4. "That Committees on Railway Bills during the present Session of Parliament shall be composed of a Chairman and Four Members, to be appointed by the Committee of Selection.

5. "That each Member of a Committee on a Railway Bill or Bills shall, before he be entitled to attend and vote on such Committee, sign a Declaration that his Constituents have no local interest, and that he himself has no personal interest, for or against any Bill or project referred to him; and no such Committee shall proceed to business until the whole of the Members thereof shall have signed such Declaration.

6. "That the Promoters of a Railway Bill shall be prepared to go into the Committee on the Bill on such day as the Committee of Selection shall, subject to the Order that there be seven clear days between the Second Reading of every Private Bill and the sitting of the Committee thereupon, think proper to appoint, provided that the Classification Committee shall have reported on such Bill.

7. "That the Committee of Selection shall not appoint an earlier day for the first meeting of the Committee on any group of Bills than the twenty-sixth day after the presentation to the House of the Reports of the Board of Trade on all Railway projects included in such group, unless all the Petitions for Bills relating to such projects shall have been sooner presented.

8. "That the Committee of Selection shall give each Member not less than fourteen days' notice of the week in which it will be necessary for him to be in attendance, for the purpose of serving, if required, on a Railway Bill Committee.

9. "That the Committee of Selection shall give each Member a sufficient notice of his appointment as a Member of a Committee on a Railway Bill, and shall transmit to him a copy of the Fifth Resolution, and a blank form of the Declaration therein required, with a request that he will forthwith return it to them properly filled up and signed.

10. "That if the Committee of Selection shall not within due time receive from each such Member the aforesaid Declaration, or an excuse which they shall deem sufficient, they shall report to the House the name of such defaulting Member.

11. "That the Committee of Selection shall have the power of substituting, at any time before the first meeting of a Committee, another Member for a Member whom they shall deem it proper to excuse from serving on that Committee.

12. "That power be given to the Committee of Selection to send for persons, papers, and records, in the execution of the duties imposed on them by the foregoing Resolutions.

13. "That no Member of a Committee shall absent himself from his duties on such Committee, unless in the case of sickness, or by leave of the House.

14. "That, if the Chairman shall be absent from the Committee, the Member next in rotation on the List (who shall be present) shall act as Chairman.

15. "That Committees shall be allowed to proceed so long as Three Members shall be present, but not with a less number, unless by special leave of the House.

16. "That if on any day within one hour after the time appointed for the meeting of a Committee Three Members shall not be present, the Committee shall be adjourned to the same hour on the next day on which the House shall sit, which had been fixed for that day.

17. "That in the case of a Member not being present within one hour after the time appointed for the meeting of the Committee, or of any Member absenting himself from his duties on such Committee, such Member shall be reported to the House at its next sitting.

18. "That each Committee shall be appointed to meet on each day of its sitting, not later than Twelve o'clock, unless by the regular vote of the Committee.

19. "That parties promoting Railway projects which have been grouped together by the Classification Committee, shall be permitted to appear before the Committee on a Railway Bill belonging to such group, and to offer evidence either against the Bill immediately under the consideration of the Committee, or in support of their own projects.

20. "That in Committees on a Bill or Bills, when such evidence has been given, it shall be within the competency of a Committee to adjourn their proceedings until the Bill or Bills for such other projects shall be before them, care being taken by the Committee of Selection that in all such cases the Bills for the so opposing projects shall be referred to the Committee by which the first Bill or Bills had been considered.

21. "That, as soon as the Committee of Classification shall have determined what Railway Bills or projects are to be grouped together, they shall report the same to the House; and all Petitions against any of the said Bills or projects shall be presented to the

House three clear days before the meeting of the Committee thereon.

22. "That the Committee on a group of Railway Bills or projects shall hear, so far as may be necessary, parties appearing in support of such Petitions, so as to receive without interruption the whole of the evidence on the general merits of all the Bills or projects before them, and also on the details of the Bill or project, or Bills or projects, which they shall be of opinion ought to be adopted, in order that if the Committee should consider that a Bill or Bills not yet read a second time at the time of the inquiry ought to be preferred, they may be enabled, when that Bill or Bills shall be formally committed, to dispense with receiving any further evidence, and to confine their proceedings to making such Amendments in the Clauses as their previous investigation may have shown to be necessary."

On the question that the Resolutions be agreed to,

Mr. *Christopher* wished to call attention to the 5th Resolution, the effect of which would be to exclude Members who had a local interest in railways from serving on Committees; and he thought it would be desirable to know whether the House would at once come to a decision that any Member whatever, whose constituents had an interest in railways which might happen to pass through any particular county or district, was, as a matter of course, to be excluded from serving on such Committee. He had read over the Resolution, and it did not appear, on the face of it, that such a Member would be necessarily excluded from serving on the Committee. But if it was the intention of the House that all Railway Bills were to be referred to a Committee to be nominated particularly by another Committee of classification, as it was called, he apprehended it was the object of the Committee to exclude all those Members who had a local, though not a private, interest in railways from serving on them. He believed that was the intention of the Resolution, and he hoped the House would pause before it gave its sanction to any such proceeding; for though he was free to confess, from his experience of Committees on Private Bills, that a great improvement had taken place within the last few years, namely, by the House being able to select a sufficient number of qualified Members, whose decision the House invariably affirmed, yet he thought it was necessary that some person acquainted with the locality which the Bill affected should be upon the Committee. But he thought it very material that this principle should not be carried out too far; for instance, in many cases, after the counsel and witnesses had withdrawn, when the Committee came to deliberate on a particular Bill, he had seen the greatest disadvantage arise from the fact of none of the selected Members having any knowledge of the locality. Now, in proof of that, he would put one case—he would suppose that a railway was intended to pass through Lincoln or York, and he would suppose that the selected members were three Scotch and two Irish Members, who had no interest in the subject, and knew nothing about it, and, supposing that an opposition arose in the course of the inquiry, he should like to know in what situation the Committee would be placed, in consequence of having no Member present who knew any thing of the locality. How, he would ask, could they come to an impartial judgment without having some person present who knew something of the spot? He did not object to certain of them not being allowed to vote; but he was certain if it was the intention of his noble Friend to exclude all Members whose constituents had any interest in the measure, that the greatest inconvenience would result. He hoped the House would pause before it sanctioned such a proceeding.

Mr. *Gisborne* agreed with the statements and reasoning of the hon. Member; but unfortunately he could not give him his vote, as he agreed with the proposition of the noble Lord. He agreed with the noble Lord, that, in consenting to these arrangements, he would give up all the advantages of local knowledge. The evidence which would be brought before the Committee, under the present arrangement, would not furnish the best information on local subjects, for those who could give the best and truest information would be excluded. The parties giving evidence would endeavour to make that evidence tell favourably for those who brought them forward. It was an established and well-known fact, and one which hardly any body could account for, that wherever professional men, such as lawyers, doctors, or engineers were engaged, the most satisfactory evidence would be given by the most respectable witnesses in direct contradiction of each other. He had on one occasion felt his mind bewildered by the contradictory testimony of the witnesses, until the confusion was removed by the local knowledge of a gentleman who happened to be on the Committee. He (Mr. Gisborne) should support the Motion of the noble Lord.

Mr. *Tatton Egerton* had served last year on a Railway Committee of five Members which had to decide on the claims of two lines of railway, Both companies set up such a strong case on the ground of traffic alone, that if the case stopped there, the Committee would have been perfectly prepared to recommend either one or the other of them to Parliament. But, in the meantime, owing probably to some owners of property whose interests were likely to be affected by the proposed line, a third Railway Company started into existence, and proved by satisfactory evidence that on the ground of a deficiency of traffic neither of the other speculations should be encouraged. The result was that the whole three speculations fell to the ground. He mentioned this to show the position those Committees would be placed in, if the House excluded local Members from them. He was not at all anxious that local Members should have votes, but he thought they should be present at the deliberations of those Committees. He thought the exclusion from the Committees of Members having local knowledge would in some cases cause the infliction of great hardship on small landowners. He knew a case where a party would have been completely sacrificed if it had not been for the local knowledge of a Member of the Committee. He had no objection whatever to a Committee of five having the power to decide as to which line should be recommended to Parliament; but, at the same time, he thought local Members should have an opportunity of attending those Committees, either for the purpose of cross-examining witnesses, or for affording the Committee the best information in their power.

Mr. *Ewart* said, it was perfectly compatible with the existing Resolutions of the House, that a Member should appear before the five selected Members to be heard as a witness upon any Railway Bill, and, therefore, any local Member could be present in that character.

Mr. *Shaw* said, he had the honour of serving as Chairman of a Select Committee last year, and felt, on one occasion, the greatest advantage from the local knowledge of a Member who happened to be present. On that ground he thought some advantage might be derived from the presence of local Members; but he believed it would be totally impracticable to admit on the Committee any persons having local interests. Besides, it would be impossible to find for so many Committees, Gentlemen having a local knowledge. Although fully aware of the advantage of local knowledge, yet he considered the proposition of the noble Lord the safer course.

Mr. *G. Bankes* was decidedly in favour of having hon. Members with local knowledge giving the advantage of that local knowlege to the Committee. Even if Members had not the local imformation that might be required by the Committee, they would be capable of producing witnesses who could give the information that might be required. If the House passed the Resolution in its present shape, it would give rise to endless cavil. It was essential that in deciding between competing lines they should be able to select the best. Under the impressions which he entertained he could not consent to the Resolution now before the House.

Mr. *Greene* said, that, considering the mass of business before the House, the attendance of local Members upon these Committees was impossible. With respect to the line between London and York, what chance was there that they could be able to select from the Speaker's list, Members to represent any part of that line? He thought that the House had acted wisely in endeavouring to reduce the number of Members in attendance on these Committees. It should be recollected that those Committees sat judicially and not representatively. He would support the Resolution.

Mr. *C. Wood*, in his experience of Railway Committees, had seen great benefit arise from the presence of local Members. In the case of a long line running from London to York it might be difficult to introduce into a Committee a sufficient number of Members who were acquainted with the whole extent of the line; but that would not be the case in the generality of instances, it would not apply to shorter lines. He would propose to take six Members from the Speaker's list of the counties through which a proposed line of railway might pass, and then the five selected Members: he did not think eleven would be too many. In election matters the smaller the number the better the tribunal; but it was not so with reference to Railway Committees, because they not only sat in a judicial but also in a representative character. He had seen great advantages arise from the appointment of selected Members, and in many instances he did not think they could have conducted their investigations to a satisfactory conclusion without the assistance of local Members.

Mr. *Milnes* thought it of consequence in all these important matters that the public should be satisfied that the tribunal was impartial. The object of the Government would be to select five Gentlemen who were quite ignorant of the matter which they would have to undertake, whilst on the other hand five Gentlemen might be selected who were most likely to have local prejudices; and he thought that, balancing all the difficulties, it would be best to pass the Resolutions which had been proposed by the Government.

Sir *John Easthope* said, that in a former Parliament he had the misfortune to sit on a Railway Committee (the Stone and Rugby) for sixty-two or sixty-three days. The right hon. Baronet opposite (Sir R. Peel) was also, like himself, a Member of that Committee, as a representative of local interests. All the selected Members were amongst the majority who carried the Bill through the Committee; but the representatives of local interests, of which he (Sir J. Easthope) was one, carried on the contest under the pressure of local influence, until it was too late in the Session for the Bill to pass. That was, on that occasion, the effect of having local Members on such Committees. They were obliged, under the pressure of interests which they could not resist, to stick to their posts for sixty-three days, and he believed they often voted against their consciences. He was more ashamed of the fact than he was of the avowal. He would rather resort to any expedient than sit on a Committee of that kind again; he had, in fact, made up his mind that anything less than the compulsion of the House should not induce him to sit again on such a Committee. As to the advantages which it had been said would arise from the presence of local Members on Railway Committees, he begged to ask whether any information that was likely to be of benefit and importance could not be had in the shape of evidence? And he would also be glad to know whether five Gentlemen, without the undue bias of local influence and local knowledge, were not much more likely to judge of that evidence correctly, and give it the proper weight which attached to it, rather than they would be if they rested upon the undue authority and influence likely to be given to it when it came through the medium of Members? The effect produced on the minds of a majority of the Committee to which he had referred, by the circumstances which transpired, was, that local influence had been subversive of public justice.

Mr. *Aglionby* said, the opinion of the hon. Baronet the Member for Leicester was entitled to great weight. In 1838 the present Speaker proposed a Resolution to the effect that, although upon certain Committees the presence of Members connected with local districts afforded much local information, yet it was more than counterbalanced by the local interest, influence, and prejudice necessarily attending their presence, especially as any information afforded by them would be of much more value if given by them in the character of witnesses. That being also his opinion, he should support the Resolutions of the Government. He did not think constituents ought to expect their Members to be the mere slaves of little pecuniary interests. For his part, he never could attach much weight to local information given by Members, who were tied and bound down to the interests of parties concerned. He thought the plan proposed by the Government would afford the greatest facility for the transaction of the business of the country, and would give the greatest satisfaction even to the projectors of competing lines, who did not respect the present tribunal.

Mr. *Entwisle* was desirous to raise the question of the exemption of Members who had interests in railways from serving on those Committees. Either they should be exempted, or if they were compelled to serve they should be allowed to do so without imputations. He had heard the hon. Member for Greenock put a question to the hon. Member for Reading whether he had or had not a personal interest in a Railway Bill (as we understood) for which he had voted? He had been present when agricultural Members had voted on the Corn Laws — when West Indian proprietors had voted on the Sugar Duties, and when manufacturers in that House had voted against a Ten Hours' Bill. He recollected many instances in which hon. Members in that House had voted respecting some particular measure by which their pecuniary interests would be affected. As the measures under discussion tended to affect the property of those hon. Members, of course they must have had a pecuniary interest in the Resolution. The right hon. Gentleman (Sir J. Graham) had stated that he had felt it desirable that he should hold no property in railway shares, in order that he might not be fettered in the discharge of his duty as a Member of that House. He (Mr. Entwisle) thought it high time that the question should be raised, whether persons possessing property in railways should be considered as disqualified from attending on those Select Committees. For the purpose of raising the question, he wished to give notice that it was his intention to move that every hon. Gentleman who had a direct pecuniary interest in railways should be exempted serving on any Committee that might hereafter be instituted under the regulation now before the House.

Mr. *Bernal* said, the question was one worthy of grave consideration. He could imagine many cases in which it would be very difficult for Members to understand on what occasions their constituencies had local interests in particular railways or not; and he was sure many Gentlemen who then heard him, could bring instances to their recollection in which that difficulty had presented itself strongly before them.

Mr. *Hume* said, in the year 1838 he had found it necessary to take the sense of the House on that question. He had been always of opinion that Members of Select Committees should, like jurymen, be always chosen from totally disinterested parties; and it was with that feeling that he had thought it necessary to bring the subject before the House in 1838. He might add, that everything that had taken place since then had tended to convince him of the justice and necessity of the arguments which he then put forth. As to the question of local interests, he considered that whenever a constituency asked their Representative to support a particular measure, that he was then bound not to become a Member of the Committee appointed to decide upon that measure. That was already the law of Parliament; and he could recollect many instances in which the appointment of particular Members upon Committees had been objected to in consequence of their private interests, or the interests of their constituents, being immediately involved in the questions to be decided. He thought the Resolution then before the House a salutary one; and as to the question of local interests, he was decidedly of opinion that no Member ought to be on a Committee on a Bill in which the interests of his constituents were concerned. An hon. Gentleman had referred to the interests of the poorer classes being attended to; but for his part he could say that he never knew an instance in that House of a very rich and powerful interest being opposed to a poorer interest, in which that great interest was not immediately taken care of in the selection of the Committee appointed to decide between them. He was only surprised that any Members should wish to be on Committees where their own interests, or the interests of their constituencies, were to be considered. There were in every locality in the country two parties; and he for one could not think it desirable for any Representative to find himself unnecessarily in a situation where he would have to decide in favour of one of these local parties and against the other. He considered that the House ought, therefore, to feel grateful to the Committee for having recommended such a Resolution as that then under consideration to their notice.

Mr. *Hawes* said, it was very important that the House should come, as far as possible, to an unanimous resolution on the question before them. In subscribing to a declaration to which he was required to assent, he could not pretend to say whether some individual among his constituents might not have an interest in the question. That was a matter on which he could not have on all occasions any certain knowledge; but he could sign the declaration as to whether the constituent body which he represented had generally any local interest in the subject to be decided upon. He considered it most important that there should be no doubt on the subject of that regulation, but that they should be as unanimous as possible in coming to an explicit understanding respecting it. He entirely concurred in the propriety of the Resolution before the House, and he thought that whatever tended to give the Committees a judicial character, must aid in raising them in public estimation, and therefore promote their general utility. The hon. Members who were opposed to the Resolution had not suggested any other course which it would be advisable to take. From the slight experience which he had on the subject, he considered that there could be no difficulty whatever in a Committee procuring the attendance of any Member connected with local interests as a witness before them; and then such Member could give any suggestion which he might wish to offer to the Committee with much better effect than if he had himself formed one of the Committee. That question had been long before the House, and in 1838 it had met with mature consideration, and the decision then come to had been since fully tried. He should repeat, that he considered, by carrying out the feeling which seemed to be entertained in the House, of giving the Committees more the character of judicial tribunals, they would succeed in making their decisions have greater weight with the public.

Mr. *Stuart Wortley* said, if the principle which was contended for by some hon. Gentlemen were adopted, some hon. Members—such, for instance, as the Representatives of the City of London—would enjoy a perpetual exemption from serving on any Railway Committee whatever, as there was not a railway in the Empire in which some of their constituents were not concerned. The same might be said of the Members for Manchester and for Liverpool. He would not enter into the general question on that occasion: but he could not avoid saying that he had great doubts of the ultimate success of the experiments then in progress. Still, as he was not prepared with any better plan which he might suggest to the House, he would not detain them by urging the difficulties and objections which suggested themselves to his mind.

Mr. *Roebuck* felt the force of the difficulties which existed to the adoption of the principle laid down in the Resolution; but still he could not withdraw his assent from the general plan. The hon. Member for Lambeth had told them that the words "local interests of constituents" could only be interpreted as meaning the interests of any particular constituency, taken as a body; and were it otherwise, the hon. Member for the West Riding of Yorkshire (Mr. Wortley) must himself have some local interests that would be affected by most Bills, and which it would be impossible for him to be aware of. He thought it should be left to the General Committee to decide whether the local interests of any hon. Gentleman's constituents were affected by the measure to be brought forward; but the personal interests of the individual Members should be left to be decided by their own declaration.

Lord *G. Somerset* said, it would not be the duty of the General Committee to put any Member upon a Railway Committee who they might conceive would be influenced in any way by the result; but, in addition to the precautions of the Committee, it would, he thought, be advisable to have the declaration signed as recommended by the Resolution. Besides, the House should bear in mind that the principle was one which had been in operation for several years.

Sir *Robert Peel* thought the distinction drawn in the Resolution should not be lost sight of. The words "local interest" were inserted where the constituency was referred to; and when the party himself was spoken of, the words "personal interest" were used. It was, therefore, quite clear that a distinction was drawn between local and personal interest by the Committee, and that the latter term was used where the interest of an individual was concerned, and "local interest" where the constituency at large was referred to. He should at the same time admit that it was no easy matter for a Member at all times to declare that his constituents had no local interest in a particular railway; but still he thought the form of the declaration cleared away much of the difficulty that had been suggested to the House. The words of the declaration were, "I, A B, as one of the Members, &c., do hereby declare that my constituents have no local interest, and that I have no personal interest," &c. The Committee believed they had given satisfaction in suggesting that Resolution, but still many points of difficulty would arise. For instance, a Member for the City of Dublin would find it hard to say whether his constituents were or not interested in a particular line of communication with the centre of Ireland, or with the west of Ireland. It was, however, well to adopt a form of declaration, and leave particular instances of difficulty to be decided by the selecting Committee.

5th Resolution agreed to.

Mr. *Gisborne* said, he had strong objections to the 7th Resolution, and he had intended to found some general remarks upon it, on the Report of the Board of Trade. The noble Lord opposite (Lord G. Somerset) had, however, informed him in private, that it was likely that an opportunity would be given him of entering with more propriety upon the subject when the Railway Consolidation Clauses Bill was before the House, and he would not, therefore, enter at any length upon it on that occasion. He would wish to know from the noble Lord whether he was right in understanding that it was not intended to go into Committee on any Railway Bill until after Easter, and also that the Board of Trade would have presented all their Reports on Railways before Easter.

Lord *Granville Somerset* did not think that any Railway Bill would go into Committee before Easter. Some bills had been introduced, while others had not yet been brought forward, and therefore it would be necessary to wait, that the peculiar advantages of the different lines might be compared. As to the question which had been put to him, he was under an engagement to the hon. Member to afford a full opportunity of discussing the constitution of the Railway Department of the Board of Trade with as little delay as possible.

Mr. *Hawes* hoped that his hon. Friend would raise the whole question at an early period, as the Railway Department of the Board of Trade had very great powers, and to it was entrusted the authority of deciding respecting great masses of property. He did not think that the Board was altogether constituted in a satisfactory manner, or was of such a character as to fully deserve public confidence. At present, according to appearance, those who were ostensibly at the head of the Board did not possess more authority than the other Members of it, and who were not so well known to the public. Might it not happen that the President and Vice-President of the Board of Trade should vote on one side on a Railway Bill, and the subordinate members might take the opposite side, and thus the opinion of the former might be defeated. He thought that with a view to increase public confidence in this tribunal that its proceedings should be open under certain circumstances. He thought that one of the parties to a railway having put in their plan, with documentary evidence, that the other party or parties might have the opportunity of inspecting them and sending in replies. He did not know what practical objections there would be to this course; but at any rate the present close mode of carrying on their proceedings was not the most satisfactory way of arriving at the truth. His chief objection, however, to the constitution of the Railway Department of the Board of Trade was, that it was of such an anomalous character. While it exercised such a great influence over the commerce and the property of the country, the greatest care should be taken to free its decisions from all appearances of partiality. He thought that some publicity, on their parts, would aid in attaining this object; but at that time he was not prepared to say how much, and at what stage of the proceedings. There should also be some evidence on the Report, that it was drawn up on a full review of the claims of all parties. The matter was a very important one, and called for the most serious attention.

Sir *Robert Peel* remarked, that they should look at the question in a practical point of view. They should consider that any alteration in the Railway Department of the Board of Trade could not effect any change in their legislation during the present year. It had been announced that night by his noble Friend, that not only were the decisions of the Railway Board as to competing lines announced in the *Gazette*, but that the Reports, including the reasons on which they were founded, would all be laid before the House before Easter. Good Friday fell, he believed, on the 21st of March, and to make an alteration in the Constitution of the Board, so as to have effect during the present year, was impossible. He, therefore, thought that the hon. Gentleman would agree with him, that on this point they should rather look to the legislation of future years. He was fully aware that the weight and the influence of the decisions of the Board was enormous. He could not, while adverting to this subject, help expressing his admiration at the zeal and unceasing care of his noble Friend who presided over the Board to the mode in which its proceedings were carried on; and he was sure that no public man ever devoted more time and attention, and with more determination to act with perfect impartiality and fairness to all parties who came before them; and he also believed that the other Members of the Board were equally anxious to come to sound conclusions on the different cases sent before them. He knew nothing personally of the different cases; but from the Reports of the Board which had been already printed, and, above all, from one which he had read that day on the Manchester and Leeds district of railways, he was satisfied that the result of its labours would be attended with important consequences. In this Report were to be found most valuable suggestions, the result of careful investigations into matters connected with the construction of railways: he would allude particularly to that portion under the head of "Gradients," in which were to be found several new and important opinions, and which never could be obtained but by the Reports of such a body as this. In this part of the Report, a full and general view was taken of the means of overcoming some of the greatest difficulties connected with the construction of railroads. It was pointed out by what means the substitution of locomotive power had been, by the improvements in the construction of the engines, effected for a fixed or stationary power upon inclined planes, and by which also enormous expense in the construction of gradients of lessened inclination was avoided. An example of the substitution of the locomotive engine for the stationary power, and attended with considerable saving, had recently taken place on the inclined plane at the Euston Square terminus of the London and Birmingham railway. This document, he was satisfied, would turn out to be of very great importance, as a guide in their future legislation, and he doubted very much whether from a Committee of that House they could have got such a body of information. The House would have all the Reports on the different lines before it previous to Easter, and they then would be the better enabled to say, whether or not it would be prudent to make an alteration in the constitution of this Board. He would not say anything as to any change of individuals, as that was unnecessary; but on the soundness of the judgment manifested in the Reports, and for the reasons on which they were founded, he had a very strong opinion, and he did not believe that the Board could be altered so as to affect legislation this Session.

Mr. *Stuart Wortley* observed, that a discussion on this subject could not lead to any immediate practical object, for most of the results of the investigations of the Railway Committee of the Board of Trade had been presented. He, therefore, recommended the hon. Member for Notingham to pospone until towards the end of the Session any discussion on the constitution of the Board, as it could not lead to any immediate practical result in the Railroad Bills before the House. They had not all the matter before them to enable them to form a judgment until they saw what practical result the Reports of the Board had upon the decisions of the several Committees. He believed that the hon. Member would advance towards the attainment of the object he had in view by deferring to a future period the debate on the subject. He was quite of the hon. Member's opinion that it was a matter well deserving the consideration of the House; and whenever he brought it under discussion, he should be prepared to state his opinion.

Mr. *Horsman* said, that as far as he was able to judge from the opinions of those who were best able to form sound and impartial opinions on this subject, it appeared that the proceedings of the Board had generally given satisfaction. As for the general question of any change in the constitution of the Board, it would be sufficient time to consider that when the general subject came under discussion. His hon. Friend had said that the questions before the Board were decided by the majority of votes; but of this there might be some doubt, in consequence of the question put by the hon. Baronet not having been answered. He was extremely anxious, as a Member of the Committee which recommended the construction of a Board of this kind, that it should work well; and he was sorry to hear prejudices raised against the Reports emanating from it, and he believed many of them to be unjust and without foundation. Doubts might arise in some quarters, because names of persons were signed to the Report who were not so publicly known as those holding more responsible offices. As they would have all the Reports of the Board on the several railroads before them within a short time, it would be inexpedient to go into the question then.

Mr. *Curteis* had received a letter from one of his constituents complaining of the short time the Private Bill Office was open for the purpose of enabling parties to inspect the various plans, maps, and specifications of the several lines of railroad. This gentleman stated that this Office was only open two hours a day, and that a charge of 6*s*. was made for each inspection. The writer of this letter was a wealthy person, and, therefore, the latter charge could not be of so much consequence to him, but he was actuated by public grounds in the course which he had adopted.

Resolution agreed to.

On the 13th being put,—

> "That no Member of a Committee shall absent himself from his duties on such Committee, unless in the case of sickness, or by leave of the House;"

Mr. *Bernal* observed, that this was the first time that an important principle had been proposed to be brought into operation, namely, the compulsory attendance of Members on Committees. The only occasion when such attendance was necessary now was by express provision of Act of Parliament, and he did not know whether they intended to introduce a similar course with regard to other Committees that were now in force with respect to Election Committees. The House should recollect that in no case hitherto had a compulsory attendance on private business before a Committee been enforced. They could not compel any Member to attend before a Committee on a Bill for a canal, a road, or a dock, and he thought it was imposing a great hardship on Members of that House to enforce attendance on this new description of private business. He did not know what kind of tribunal to propose as a substitute for a Committee to decide upon the merits of Railroad Bills; but hon. Gentlemen must be aware of the difficulties which surrounded questions of this kind. It appeared that no Member appointed on a Committee should be allowed to absent himself from attendance on it unless in consequence of illness, or by especial leave of the House. By and by they would have numbers of Members, or their friends for them, starting up to move for leave of absence on all sorts of excuses; and many Gentlemen, who, perhaps, were the best qualified to be on Committees of this kind would be the first to apply for leave. Some Gentlemen might say that they were going the Northern or Western Circuit, and that others were retained on important business in Westminster Hall, and could the House refuse to assent to their absence under such circumstances? It should be recollected also, that the enforcing the attendance under such circumstances would not be consistent with common fairness, for it would be equivalent to saying that no Gentleman at the Bar should have a seat in that House; for a Gentleman might be called upon, from the circumstance of so many of these Bills being before Parliament, to serve upon several Committees, one after another; and, indeed, with respect to some of these Railway Bills, it was probable that they might continue their sittings day after day for two or three months. What, he would ask, could they do with respect to such a great number of Members of that House who had avocations elsewhere? Besides so many Members of the Bar engaged in their professional pursuits, there were a great many Members also engaged in mercantile transactions. Was the House then prepared to sanction the validity of excuse on such a ground? It appeared that 248 different plans of railroads had been or were before the Board of Trade, and all these were to come before the several Committees after Easter, when the warfare would commence in real earnest. Was it to be borne, that the many bankers, barristers, merchants, and solicitors, who had important avocations elsewhere, were to be allowed to be excused from this attendance, while the Committee of Selection were to look round the House, and impose the task of being Members of these Committees on any Members they chose to nominate? It had been said, that a Gentleman was not fit to be a Member of that House if he was not prepared to attend Committees on Railway Bills; but there were many Gentlemen elected Members of this House before railroads were began. Therefore, he said, it was not just to them to enforce such an attendance. He wished that there was a competent tribunal, other than a Private Committee of that House, to investigate the merits not merely of railroads, which had now become such a great element in the interests of the country, but in other matters of a similar nature. He, for one, should be disposed to be a little rebellious on the occasion. He had, however, always found in the House of Commons a number of amateurs who were willing to take upon themselves labour of this kind, and he hoped that it would be found sufficient to call upon them to attend to these Bills; and as he had no love for meddling with other persons' business, he should think himself justified in leaving the matters to others more willing to attend.

Mr. *Warburton* must do the right hon. Baronet opposite (Sir R. Peel) the justice of observing that he had ever been a maintainer of the privileges of that House. Now he did not think that these privileges could be maintained for any length of time if the House did not manifest to the public a determination to attend to its duty in this respect. Was his hon. Friend to say that that House was to abandon its duty, and to neglect a description of public business which was essential to the best interests of the country? What had his hon. Friend proposed, and what would be the result of adopting his suggestions? The House would find that if in one important department it chose to transfer its authority to another tribunal, and that it did not perform one of its most essential duties, the country would begin to consider whether other of its functions which it now performed might not be dispensed with. If they did not wish to lower the character of the House in the eyes of the country, they must attend to these matters, and, however inconvenient such attendance might be to Members individually, still, when they entered that House, they should be fully prepared to take upon themselves a due share in the discharge of the business of the country. He was sure, on reflection, his hon. Friend would be willing to take his share in attendance on the railway business. Surely his hon. Friend was aware of the immense mass of property invested in undertakings of this nature, and how much the public interest was concerned in legislating respecting them. The country would say, if they devoted their time merely to talking about party matters, that they were sent to meet there to attend to more important duties. Nothing could sink the House sooner in the public estimation than the notion of transferring the Legislature on such important matters as those involved in railways to another tribunal.

Sir *R. Peel* believed that this was a matter which deeply concerned the dignity of the House, and its capacity of serving the country. The hon. Gentleman said that he was for transferring the legislating on what was called Private Business from that House, and to provide a substitute. He entertained great respect for the opinion of the hon. Member opposite, and confessed that he was surprised to hear such opinions as he had heard emanate from him. Would the hon. Gentleman say that by his suggesting a different mode of transacting private business than by Committees of that House, he would give to any other tribunal the power or the liberty of passing a Railway Bill? What would be the result of giving to any court of law or other tribunal the power of legislating on what was called the Private Business? It would not be a mere formal proceeding, but you would be creating a tribunal which would soon be arrogating to itself all the powers of legislation and all the privileges possessed by that House. And how would you constitute this tribunal? Was it to be representative? Was it to be elected by a constituency? How was that constituency to be formed? Was it to be a similar constituency to that returning the Members of that House? If the power of legislating on such subjects was transferred to such a tribunal, with any Judge that you pleased at its head, you would soon find that you had very little else to do than to register its decrees. If this House constituted a tribunal for the regulation of the internal commerce and all the communication throughout the country, it would create a power which would soon obtain greater credit than that possessed by the House itself, as the public would say that, as it could not perform this most important description of business, it was very unfit to have any further power left to it. The hon. Gentleman said, that many Members did not contemplate railway business when they were elected. This might be true; but it had come upon them, as other business had, in the course of time, and it was their bounden duty to attend to it. It therefore appeared to him, if they wished to recommend themselves to public esteem, and to rise in the eyes of the country, that the best mode would be to show that they were convinced of the necessity of grappling with the subject, and had the good sense to devote their time to the great labour which must necessarily attend their satisfactorily dealing with those measures. The House of Lords had already adopted the principle of compulsory attendance on Committees. On each Committee on a Private Bill, five Members were appointed; and it was necessary at every meeting these Members should be present; a proceeding on the part of the House of Lords, with respect to legislation in Private Bills, which had given great satisfaction to the country. Should they, then, the Representatives of the people, say that they thought it proper that a Judge, or other parties, in another place, should perform all those important functions? He would say, rather than adopt the course suggested by the hon. Member, let men high in office —let men, the leaders on the opposite benches, make up their minds at once to devote their unwearied attention to the measures of this kind which would be submitted to the several Committees up stairs. He, for one, would come down and sit for four hours a day on one of those Committees, rather than resort for even a moment to such a course. It had been proposed, on a former occasion, to give up the jurisdiction of the House in election matters, but the House had most properly refused to comply with any such suggestion; and if they gave up the decision in cases of this kind to another power, and directed their attention to subjects involving party considerations, they might depend upon it that they would soon find themselves degenerating into a mere debating club. If the House would not devote its attention to legislating on the internal affairs of the country, and involved so deeply as they were in questions of this kind, and would come down night after night for five or six nights consecutively to engage in some great party squabble or contest, they might rely upon it, that, however great the display of eloquence, and however distinguished the talent manifested, one year would not pass over without their sinking in the eyes of the country, and without the public ceasing to regard the Commons' House of Parliament of the United Kingdom as the guardians of the rights and liberties of the people. He could not listen to such a doctrine broached for the first time, without at once rising to protest against it. Without resorting to means of enforcing an attendance on these Committees, he hoped that the good sense of the Members of that House would induce them to do their duty to the country, by devoting their time and attention to this important description of business — and the young Members of that House might be assured, that if they wished to raise characters for themselves as public men, no better course could be adopted by them, than to manifest a readiness to serve on Committees of this kind, and to devote their attention sedulously to the important subjects which would come under consideration before them. He would venture to say, that conduct of this kind would, in the course of two or three Sessions, give a young man in that House a higher character than any display he might make in the shape of a few brilliant speeches; and that by thus getting a more perfect knowledge of public business, he would attain a higher name and character in the House of Commons than by any other course. He hoped without exception—and therefore he would say, let Members, both in and out of office prepare to adopt this step — they would determine to devote their time to these matters, and that all would be prepared to serve on any Committee, unless excluded by the Resolutions; and if they made the experiment they would succeed in doing more to raise and establish the House of Commons in the opinion of the country, rather than by debating until the end of September on mere party matters, notwithstanding all the ingenuity and ability that might be displayed. If the hon. Member for Weymouth seriously intended to press his opinion, he (Sir R. Peel) would urge him to bring it forward without delay, so that the proposition might be extinguished in the bud, which involved in itself results so dangerous to the best interests of the country.

Mr. *Hawes* agreed entirely with all that had fallen from the right hon. Gentleman, and from his hon. Friend the Member for Kendal. He, therefore, would not repeat the arguments which they had urged. He rose for the purpose of suggesting to his hon. Friend the Member for Weymouth, that the several Committees for Railways were not to be constituted like Election Committees. On Election Committees it was absolutely necessary that every Member must be present during the whole time of proceeding; but in each of these Committees, constituted as they were of five Members, they could proceed to business when three Members were present, and, therefore, the analogy assumed by his hon. Friend did not exist. It might be well, in introducing a new principle into the mode of conducting private business, that they did not force it to the extreme; but he almost regretted that any exception to the number of the Members attending a Committee had been allowed, and he had formed this opinion, because he feared that in some instances it might occasion some dissatisfaction in the working of the plan. After the Committee to whom the subject had been referred, who had so well considered the subject, and who had made the recommendations on which the Resolutions were founded, and after the statement of the noble Lord the Chairman of that Committee, he would not make any proposition on the subject. He would, however, suggest, that if any alteration was to be made in the constitution of these Committees, it should be, that the whole of the five Members forming it, should attend as on an Election Committee. He said this, because he felt that when the interests to be determined on were so great, it would be most desirable that the whole of the Judges by whom these conflicting points were to be decided, should attend on each occasion of the Committee sitting. He was perfectly certain, if proper attention were paid to the Private Business, that it would raise the character of the House in the estimation of the public, and that it would add greatly to its general usefulness to the country.

Mr. *Borthwick* agreed with the right hon. Baronet; but he thought that when the right hon. Baronet expected this Roman virtue from hon. Members, they would respond more readily if he left them to do their duty of their own will, and not under restraints. Then they would be entitled to the praise which the right hon. Baronet offered them. He considered that it would be most injudicious, and injurious to the character of that House, to transfer their jurisdiction with regard to railways to any other tribunal. The Members of that House were the guardians of their own honour; and he was convinced there was not a Member who would not be prepared to submit his own rights and those of his constituents to the adjudication of a Committee of the House, and he believed this feeling was entertained by the country. He trusted that all hon. Members of the House were prepared, as an act of duty, to take any fair share in the conduct of business which might be required of them.

Mr. *Hume* said, if the hon. Member for Evesham (Mr. Borthwick) had come to the House to-night for the first time, he should not have felt surprised at the observations he had just made. It was very well to talk of the anxiety of Members to do their duty, and of their Roman virtue; but he had frequently seen Committees unable to proceed with business because they could not obtain a quorum. Such was the dependence which might be placed on the anxiety of Members to discharge their duty! What was everybody's business was nobody's business; and even when Committees of that House had been open, it had been found difficult to obtain a quorum. On this account he had long endeavoured to induce the House to adopt some common-sense regulations on this subject. It was, he considered the duty of the House to take care that the business of the country should receive proper and efficient attention; and he thought that the right hon. Baronet (Sir R. Peel), who was so strong a supporter of the privileges and institutions of the House, would support those privileges most effectually by making the House do its duty. It was a serious thing, when witnesses were brought from Yorkshire or Cumberland, or other distant parts of the country, to have them detained here, day after day, at an enormous expense, because the Committees did not proceed with business. He fully approved of the regulations now under consideration, and was satisfied that they would work well, and would tend to support the character of that House, which had been lowered in public estimation by the proceedings in Private Committees. He had heard charges preferred out of doors, and with great justice, too, not against individual Members, but against the system on which their proceedings were conducted. He did not attach blame to individuals, he objected to the system, which ought to undergo a thorough change. He held, that every Member of Parliament ought to take his turn in attending to Committee business; and if lawyers could not attend to the business of the House they had better not get into Parliament. He had been much gratified at the declaration of the right hon.

Baronet opposite, that rather than the privileges of the House should be relinquished because hon. Members would not attend to their duty, the right hon. Baronet, notwithstanding his numerous and important engagements, was prepared to come down and take his share in Committee business. That was an excellent example for some hon. Members, hundreds of whom had little or nothing to do.

Mr. *Stuart Wortley* said, it had been stated that the course proposed by this Resolution, peremptorily requiring the attendance of Members upon these Committees, was analogous to that adopted in the case of Election Committees; but in his opinion this regulation was more strict and peremptory than that which existed with respect to Election Committees and selected Members. The Election Committees were appointed under the compulsion of an Act of Parliament; but the regulations which accompanied that Act, at least gave Members a little notice of the call likely to be made upon them. The Member's name was put upon a panel, and he knew that if he was not elected at a certain time, a definite period must elapse before his turn came round again. Then, with regard to selected Members: a Member received an application, inquiring at what time he could most conveniently attend to private business; and, on receiving his reply, the Committee of Selection placed his name on the list. Now, he did not see why a similar course should not be pursued with respect to Committees appointed for railway business. He believed that, if it were considered necessary by the House that Members should be called upon in turn to undergo the labour of sitting upon such Committees, a sufficient number of Members would be found who would willingly and diligently discharge the duty; but at the same time he thought the convenience of Members should be consulted, so far as could be done without detriment to public interests. He would like to know whether it was intended that the Committee of Selection should call peremptorily, and without notice, upon any Member. [An hon. *Member:* Fourteen days' notice is required.] Then, at the expiration of that time, was the Member required to act, or could he claim exemption for a subsequent period?

Colonel *Sibthorp* could not see why this compulsory system should be adopted with regard to Railway Bills only, and why it should not be applied to Committees sitting upon any other subjects. The hon. Member for Montrose (Mr. Hume) had said that the business before Committees was frequently retarded in consequence of the non-attendance of Members. Why, the House sat at twelve o'clock that morning to consider some Bills relating to railway business; but, although the hon. Member for Montrose was generally most attentive to his duties, he did not see the hon. Member in his place during the early sitting. He thought it much more necessary to enforce the attendance of Members when hundreds of thousands of pounds of the public money were voted away, than it was peremptorily to require their attendance on Railway Committees. Oh, but the voting away of the public money did not touch self! Some hon. Members had shares in these railways; their own pockets and their private interests were concerned; and it was a farce to talk of their regard for the public. Millions of the public money might be voted away during the absence of those hon. Gentlemen, but they took very good care to be present when their own pockets were touched. He wished a positive injunction were issued, requiring all Members to attend in their places; and he would have no objection to fine and imprisonment for non-attendance. When the public money was disposed of, members were at balls and routs, or perhaps not at such good places. But if a Railway Bill were to be discussed, Mr. So-and-so had a cousin or a relative who had invested money in the speculation, or perhaps he himself held some shares; and that was a sufficient inducement to bring him to the House. He thought they should adopt means to insure the attendance of Members on all occasions, and not merely when these humbugging railways were considered.

Mr. *Darby* could understand the objections to compulsory attendance, if these were not Select Committees; but as they were Select Committees, he thought it right that Members should be compelled to attend. Some imputations had been thrown upon Committees of that House; but from seven years' experience he must say, that he believed those imputations were groundless and unjust. At one time, when Members who had sat upon Committees sent notes relative to the evidence to interested parties, such conduct might have disgraced the House; but he was convinced that the Committees by whom business was now conducted, were free from such imputations. There was always a strong feeling on both sides with regard to railway projects; and if the disputed questions were decided by the first Judge of the land, or by any other tribunal, both parties could not be satisfied, but the justice of the decision would be impugned by one party or the other. Men who performed their duty properly must, therefore, submit to these imputations; and if they did discharge their duty faithfully, they need care little for the accusations preferred against them. The right hon. Baronet (Sir R. Peel) had said that the Committees afforded the younger Members an excellent opportunity of becoming conversant with the course of business. He did not know whether the hon. Member for Evesham ranked himself among the younger or the middle-aged Members of the House; but he (Mr. Darby) considered that there was great justice in the remark of the right hon. Baronet, and that it would be most advantageous to the younger Members themselves, to the House, and to the country, if they applied themselves to the business of Committees.

Lord *G. Somerset* said, with reference to what had fallen from the hon. Gentleman near him (Mr. S. Wortley), he considered that the notice of fourteen days which was proposed would prevent Members from suffering any great inconvenience. It was provided, also, that the Committee of Selection might excuse hon. Members from attending, if satisfactory grounds for their absence were assigned. He could assure the hon. Member for Lambeth (Mr. Hawes) that the Committee had fully considered the convenience and the inconvenience which would result from enforcing a more strict attendance on Committees. Their object was, to secure more punctual and regular attendance from a large portion of the Members of that House. They had selected three Members, instead of five, as a quorum, because they thought it advisable not to adopt too stringent a regulation; for, if five were a quorum, there would be a risk that the Committee might frequently meet without that number being present. He hoped, however, under these regulations, and by not allowing frivolous excuses for absence, future inconvenience with regard to those Committees would be avoided.

Lord *J. Manners* wished to know what penalty would be inflicted upon those hon. Members who did not attend Committees to which they were appointed? It seemed to him that the mere fact of these Committees being Select Committees, did not render the compulsory attendance of Members necessary; for they had now Select Committees on various subjects, and he was not aware that any great inconvenience had been felt because all the Members of those Committees were not present on all occasions. He could not see why three Members might not discharge the duties of such Committees as efficiently as four or five.

Mr. *Greene* could assure the noble Lord that unless some means of compelling the attendance of Members were resorted to, it would be impossible to carry out this plan efficiently. In the course of the last two years, no less than 250 Members of that House, who had nothing else to do, had positively refused to attend the Committees; and it was, therefore, absolutely necessary that some compulsion should be adopted. There were many hon. Members who had attended Committees most regularly; but were the 250 hon. Gentlemen to whom he had referred to be exempted from such attendance? The system proposed by these Resolutions would be utterly inefficient without the enforcement of compulsory attendance.

Mr. *Protheroe* recommended that if any hon. Members were appointed upon a Select Committee, they should be required to attend on that Committee, and on that Committee alone.

Sir *W. James* thought there would be some practical difficulties in carrying out these Resolutions. Supposing that, at the expiration of the fourteen days' notice, all the five Members made excuses which were admitted; was a further notice of fourteen days to be given to other Members before the Committee could be formed? If that were the case, great inconvenience and expense would be entailed on the parties applying for Bills. He feared, also, that if the 250 hon. Gentlemen who had been described as absenting themselves from the Committees altogether were not required to attend, the really good working men, who gave their attendance willingly, might be worked to death. It was, however, far from his intention to oppose these Resolutions, which were, he thought, very creditable to the Gentlemen by whom they had been prepared.

Resolution agreed to.

On the 19th Resolution,

Mr. *G. Bankes* said, he wished to make a few observations upon this Resolution, and those which followed, with reference to the remarks he made at an earlier period of the discussion as to Members possessing local information being excluded from these Committees. It was provided by another Resolution, that if any party came forward with a new project of railway, which might appear to the Committee better than the one originally proposed, the Committee should have power to adjourn their proceedings, even though their inquiries should have gone on to a considerable extent, to give time for that other later project to come before the House and Committee, and then to proceed *pari passu* with the first Bill. Now, let him suppose that no party was prepared at that time to incur the expense of carrying on a project of this kind, and yet that the Committee should be satisfied that the measure before them was a bad one. If that were supposed, he thought the House would at once see the propriety of Members locally connected with the district sitting upon the Committee even though they should have no vote. The hon. Member for Montrose talked of personal interest or personal bias on the part of such Members; but it was not with reference to such interests as these that he addressed the House. Local knowledge and local interests were totally different things, and, by excluding, as they now proposed to do, local knowledge from those Committees, they would either encourage bad projects, or, where the measure was good, they would greatly increase the expense. The impression had gone abroad that the powers of the Committee of the Board of Trade were much more extensive than it now appeared they were. The projects against which they decided had been depressed, but they were now rising again; and all these measures were now likely to come before the Committees, and therefore a vast pressure of business was likely to come before them, in which he thought it was unwise to deprive themselves of the advantages of local knowledge. He spoke for the interests of the public, which included the interests of both rich and poor; but he would tell the House of a case which occurred, and not in his own county. A railroad was about to be cut through an extensive and fertile district, where the poor had the right of pasturage; and the question put was, were the poor entitled to notices in this case, as well as the rich proprietors? He (Mr. Bankes) said that he conceived they were so entitled to notices, and he hoped they were. But he would tell the hon. Member for Montrose, that if Members possessed of local knowledge were to be excluded, the Member who told him of this circumstance would not be able to state his case before the Committee. He knew that the question had been well considered by the noble Lord and the Committee before coming to this conclusion; but, nevertheless, unless he were excluded, he should certainly feel himself bound to attend any Committee in which his local knowledge might be of service.

Mr. *Hume* replied, that the case to which the hon. Member alluded had been fully considered. The course now recommended had been adopted by the House of Lords with complete success. No hon. Members would be prevented from attending any Committee, but they would not be allowed to take part in the proceedings except as witnesses. He beseeched the House to try the same course which had been found so successful in the Lords.

Mr. *Miles* agreed with the hon. Member for Montrose, and he congratulated the noble Lord and the Committee on their having now brought the railway business of the country into something like a real practical shape. At the same time he saw the force of what had fallen from the hon Member for Dorset, and he trusted the noble Lord would give due weight to his suggestions. In cases where conflicting evidence was given by competing parties, he would suggest that the chairman should have power to call for the evidence of persons who were locally connected with the district, but unconnected with the railway projects, and take from them such evidence as they could rely upon. This of course must be done at the expense of the House and not of the parties; but he thought the evidence so obtained was likely to be of great importance. With regard to the numbers on a Committee, he thought the smaller the numbers were, the greater would be their responsibility, and the better effect would their decisions have upon the country. He had sat upon one or two Committees in competing railways, and he would state that in every one they had agreed unanimously to the Report laid before the House, and he had learned they were looked upon as fair and honest decisions.

Mr. *Ward* said, the suggestion of the hon. Member for Somersetshire would only have the effect of making the inquiry almost interminable. What was the good of the Committee of the Board of Trade if they did not, in their investigations, attend to the public interests? He thought the same thing might be said of the suggestion of the hon. Member for Dorset. If stray county Members were to be allowed to press their individual crotchets upon the attention of Committees, it would only be another source of delay. He was satisfied that by adopting the Resolutions of the Committee, limiting the number of Members, enforcing their attendance, and impressing upon the mind of every man that he had serious duties to discharge, they would ensure their being well done, and make the management of their private business worthy of the House of Commons.

The *Chancellor of the Exchequer* agreed with the hon. Member for Dorset that there was a difficulty regarding the attendance of Members possessed of local information. He took a different view of the question from the hon. Member for Somerset, who looked only to the question of two competing lines. He thought more danger was to be apprehended to individuals where there was only one line. He knew certain districts of country where railroads were taken in one direction rather than another because it suited the convenience of the engineer—the parties aggrieved were compelled to submit, because they had no means of bringing their case before the House. Where there were competing lines, a party aggrieved by one railway could throw himself into the arms of another, who would naturally adopt his case as against their rival line; but where there was only one he had no protection beyond that of bringing his case before the House. Now, if Members possessed of local information were allowed to appear before the Committee, he thought they might bring forward the case of such parties without trouble or expense to him; and if this were not attended to he thought a very grievous wrong would be left without a remedy.

Mr. *Shaw* said, he had once sat as chairman in the case of two competing lines, and it was stated to him that a Member was present who wished to give evidence in the case. He, as chairman, immediately had him called as a witness, and he gave very important evidence, to which no objection was made by either party. If a Member of Parliament wished to be examined before a Committee, he apprehended there could be no difficulty in having him examined.

Mr. *J. Jervis* thought that no objection could be fairly taken to the course suggested by his right hon. Friend. At present the practice in Committees was not to hear any person who had not presented a petition to that House. The subject was one on which doubt might be entertained, and he hoped therefore that it would be explained by the noble Lord. He considered the practice proposed preferable to that which now existed; but, at the same time, he was of opinion that the point in question required explanation.

Sir *W. James* said, supposing a petition was presented, and some party failed to substantiate it, and an hon. Member was to go to the Chairman of the Committee, and state that he wished to appear before that Committee and give some information which he deemed of importance, would it not be a hard case to parties interested in the particular line of railway under consideration if, from some neglect or from some technicality, the hon. Member was prevented from coming forward and giving the evidence? He quite concurred, however, in the recommendation of a Committee, that no Member having a local interest in any railway project should act on the Committee to which such project was referred. The attendance on Committees of Members so situated had been productive of strife.

Mr. *Hume:* If a Member offered himself as a witness to any Committee, he (Mr. Hume) could only say that if he was Chairman of that Committee, or a Member of that Committee, he would insist on his being examined exactly as another witness would be. What difficulty could such a proceeding create? It could not take the Committee by surprise, but would give to the Members of the Committee a better opportunity than they might otherwise have of coming to a proper decision.

Mr. *Darby* said, the case was this. One local Member of a place might be present all through the proceedings, and cognisant of the whole, while the other was not. It was a great question, whether the advantages derivable from that circumstance should be done away with. He believed, that five Members on a Committee would be as good as ten; but he considered that it would be highly improper that one Member alone should be allowed to give his own account of the matter at issue.

Sir *R. Peel:* Sir, I think it very important that we should come to a general understanding on the subject under discussion. I presume that no party can claim to appear as a witness before the Committee in a case where private interests are in question, unless upon a petition to the House in the regular form. The Railway Department of the Board of Trade are precluded by their constitution from making reports on matters involving private interests; that is provided for by the clause in the Resolutions of last year which empowered them to act. Therefore, the Board of Trade can give us no information on the subject of private rights as affected by any of the projects laid before them. If private rights are affected, and if it be deemed necessary by the parties to defend them, they must consequently petition the House before they can be permitted to give evidence. In relation to the question of the presence of Members of Parliament at the Committees, I think it would break down the whole system if they were to act in that manner. I do not know whether they are now permitted to remain in the Committee-rooms after they have been cleared of strangers. I hope their good sense would keep them away under such circumstances; but it is my impression that no Member of Parliament who is not a Member of the Committee — one of the five—has a right to remain in the Committee-room pending a decision of the Committee. I do not know that a Member of Parliament has any right to claim the privilege of being heard as a witness when other witnesses in the same position have been excluded. I think this right would lead to speeches instead of facts; for if a Member had a right to give evidence he would convert it into a right to make a speech. But, on the other hand, I see nothing in the constitution of the Committee to preclude the Chairman, with the consent of the Members, from exercising the right of calling on Members of Parliament to give them any information on the subject-matter before them which they may consider calculated to affect the interests of the public. [Mr. *Jervis:* Or private interests?] I apprehend on private interests that a petition should be presented a certain time previous to the appointment of the Committee, in conformity with the Standing Orders of this House. Let us suppose, in reference to the question of the public interest and the powers of the Committee, to call witnesses—let us suppose two competing lines of railway—or only one—for one will illustrate the position as well as two; surely, a Committee is not precluded by anything in its constitution from permitting Members of Parliament, who may be acquainted with certain facts relating to them, to give that information for the advantage of the public interest. Members of Parliament, as Members, have a right on the question of public interests I apprehend; but as to private interests they must be heard by petition.

Mr. *Borthwick* said, that the right hon. Baronet had shown, with his usual discrimination, that Members of Parliament in the case in question were not different from other witnesses. He would put a case to the House: suppose, that a railway were to pass through the market-place of Evesham, or even the church of that borough—were the Members for the town, or the other Members for the county of Worcester, to be precluded from coming forward and informing the Committee on subjects so nearly affecting their constituents? If the right hon. Member for the University of Dublin was in the chair of a Committee, when he or his Colleague tendered evidence under such circumstances, doubtless they would be heard; but suppose the chair was filled by some hon. Member who had not the Roman virtue of that right hon. Gentleman, what would become of Evesham church or Evesham market-place—and where would be the rights of the Worcestershire constituency? The whole principle of the Resolution ran counter to the constitution of Parliament, and also to the speeches of the right hon. Baronet at the head of the Government. The speeches of the right hon. Gentleman, and the Resolutions were at variance, and he (Mr. Borthwick) hoped the House would follow the speeches, and reject the Resolutions. He also hoped the House would free Committees from the shackles which were to be put on their hands by the Resolution. The hon. Gentleman the Member for Sussex had attempted to show the House that he was very young on the matter before them; but he would completely succeed in proving that fact, if he trusted the interests of his constituents to such a Resolution as that before the House.

Mr. *Bernal* said, that by a Standing Order of the House, it was provided, that no petition on a Private Bill should be presented less than three clear days before the nomination of the Committee, otherwise the parties could not be heard. In his opinion, the whole question respecting the attendance of Members of Parliament before the Committee, resolved itself into the fact that local Members, who were present under such circumstances, were not in the position of witnesses, but in that of nominees. In very few instances were local Members competent to give information on the subject from their own knowledge; and if it was desired that these tribunals should be reckoned pure, the presence of Members of Parliament, under such circumstances, should be altogether prevented.

Lord *J. Manners* said, the Standing Order applied only to petitions against Railway Bills; but the question really before the House was as to Members of Parliament desiring to give evidence before a Committee. He did not think that their claim was concluded by the Order of that House, but, as the right hon. Baronet had justly said, it was to be decided by the judgment of the Chairman and the Members of the Committee. There was, however, this great difficulty in the latitude allowed by the right hon. Baronet—one Committee might decide one way, and another the other. Thus there would be a diversity of action on these bodies in that respect, and a total absence of all uniformity in practice. That was a thing to be deprecated; for there would be no such respect for these decisions when there was no uniformity in their practice. The House should, therefore, decide the question in one way or the other.

Lord *G. Somerset* said, his decided impression was that, with regard to private interests, parties presenting a petition three clear days before the nomination of the Committee, had a right to be heard as witnesses. The question was, whether the Committee had the power of calling such additional evidence before them as they thought would give the most satisfactory information. He had no doubt of the power on that point; and he had the strongest conviction on his mind, that Committees under these circumstances have a distinct right to examine any person whom, in the exercise of their judgment, they should deem capable of furnishing them with such information, whether on the part of the parties to the Bill before them, or on that of those who were in opposition to it. On the other hand, however, he did not think that a Committee had the power of compelling the attendance of such evidence; and that, if they desired it, they should be obliged to come to that House for power for the purpose. In his opinion there was not such ambiguity in the Resolution as to require the special interposition of the House: and it seemed quite plain to him that Members of Parliament had no right to force themselves as evidence on Committees.

Resolutions were agreed to.

THE ALLOTMENT SYSTEM.] Mr. *Cowper* rose to move for leave to bring in a Bill to promote the letting of field-gardens to the labouring poor. Their condition had occupied much attention out of doors; and he trusted he was not wasting the time of the House in drawing its attention to this method of improving the material and moral well-being of the working classes. Though limited in comparison with other schemes, it had the advantage of being easy of attainment, not opposed to private interests, and proved by experience to be certain of success. Some, whose opinions he respected, despaired of seeing the object of which they admitted the importance satisfactorily dealt with by legislative enactment; and some despaired relieving in any way, by direct interference, the privations and sufferings of the poorer classes. That opinion might possibly turn out to be well founded; but he hoped those who were disposed to entertain it would not hastily enunciate it. Of the hundreds and thousands of the labouring classes who were dissatisfied with their condition, many were looking to that House for relief, not so much from any expectations that had been held out to them, but because there was no other greater to look to; and he should be sorry if they were obliged to say to these expectants, "All the wisdom collected within these walls—all the experience—all the sympathy is unavailing to devise any measure to alleviate your distresses or to better your condition." Inferences might be drawn in disparagement of the earnestness and capacity of its Members to legislate for the wants of the industrial classes. He would confine himself to one point—the connexion of the working classes with the land. Such connexion formed an important ingredient in the condition of the working classes. It appeared from history that, before the land of England was brought fully into cultivation, almost all cottagers had land for tillage. All those above the condition of serfs had land in their own occupation; and, in addition to that, had common right over the waste tracts. He did not know exactly when that time was of which they had often heard—that time

> " ere England's griefs began,
> When every rood of ground maintained its man ;"

but he believed that previous to the 16th century all the peasantry drew portions of their maintenance from the soil. Small holdings then began to be thrown together into sheep-walks. The Papers on the Table showed that since 1800 no fewer than 2,000 Enclosure Acts had been passed. The amount of acreage thus enclosed was not set forth; but it must form no inconsiderable portion of the land of the country. The consolidation of small farms, so extensively adopted during the war with France, had contributed to deprive the labouring man of his opportunities of holding land. The giving up the tenure on leases for lives also had the same tendency. The result of these combined causes was, that until the allotment system was revived, the English labourer was severed from all connexion with the land. From the Report of a Committee appointed to investigate this subject, it appeared that the fourth of an acre was the average portion which might be allotted to the labourer with safety. What he (Mr. Cowper) particularly valued in the system of allotments, was the moral effect on the holder. The management of a garden was an important ingredient in his happiness. It was just the amusement which suited the labourer, and for which he was suited. Books required some intellectual training before they became much of a pleasure. Barbarous sports had been suppressed. Dancing, which had been customary in early times, was ill suited to the English peasant of the present day. It required more holidays, lighter work, and a lighter heart, less thoughtful care, less anxiety of mind. The feet that followed the plough from morning to night were not nimble enough to encircle the maypole. There was an amusement much advocated by a noble Lord opposite (Lord J. Manners); but he believed the noble Lord would admit that that amusement — cricket—required more skill and agility than are within the reach of all. Toil was the duty and pride of the labourer; and in toil, when varied in its application and exercised on his own account, in such self-imposed and stimulating toil he found his recreation. This amusement was elevating in its tendencies; and many idle, careless, lawless individuals would be converted into steady, sober, industrious men, simply by having the means of harmless, rational, and profitable employment. The desire amongst the labouring classes to possess gardens was almost universal. The wealthy were not more anxious to become landed proprietors than the poor were to become occupiers of small tracts; and not only in country places, but in towns and manufacturing districts. The town of Leeds afforded a gratifying example of the applicability of the allotment system to factory arrangements. Belonging to the mill of Mr. Marshall and Mr. Gott might be seen gardens cultivated with skill and taste. The factory hands took up the spade during the dinner hour, or after the hours of labour; the cultivation was a source of gratification, and improved their health by affording them fresh air and bracing exercise. He remembered, also, hearing of a striking instance in a part of Lancashire, where a friend of his, walking by night by the side of some allotment fields, was astonished to see a man at work at half-past ten o'clock. He asked him the reason; and the man's answer was, that he was a weaver, that he was engaged the whole day at his work, and that it was only by moonlight he could till his ground; that he had planted his potatoes by moonlight, and hoped to dig them by moonlight. In Northampton and many towns in the midland counties, there was a large population desirous of obtaining allotment gardens. He knew that wherever landowners took pains to help the poor, they provided allotments for the labourers in their neighbourhoods; but the districts in which there were as many allotments as were required, formed still a very small portion of the whole country. Many of those proprietors who had established allotments near their residences, had none on the distant part of the property. There were also a great number of non-resident proprietors, who did not take the trouble to establish allotments. Notwithstanding all that had been done, he believed that a generation might be expected to pass away before there would be a general allotment of garden grounds for labourers. It was of course the interest of the landed proprietor, as well as of everybody who had the prosperity of his locality and the country at heart, that such gardens should be in the possession of the poor; but many circumstances contributed to prevent their being obtained. The House was aware that the competition for land was great, and of course the poor man was not very likely to be the winner in a contested struggle for the tenancy of land. In many counties, when a farm fell in, there were a dozen or more applications for the vacant farm; and the poor labourer would not be successful in his application for a small piece of ground for his own use. Besides, there were some difficulties in the way of making the desired allotments, which, although far from being insurmountable, were nevertheless quite sufficient to prevent many from making them. To make them, the owner of the land must, in some degree, make a fresh disposition of his land. He must sever a field from the farm, and a farmer always found reasons against taking any field. Landed proprietors were often guided in matters of that kind by their bailiffs, and these were indisposed to incur the trouble of numerous tenancies. They and the farmers had often a prejudice against the system of allotments. He (Mr. Cowper), however, was happy to think that this prejudice was wearing away, and he had lately heard of an instance on Lord Dartmouth's estate near Huddersfield, in which farmers had themselves come forward, and expressed their readiness to give up a portion of their land for this purpose. Whatever reasons might exist, the fact was so notwithstanding, that owners of land, although generally kindly disposed towards the poor, did not provide allotments generally for the inhabitants of the towns and villages in the nighbourhood of their properties. Gentlemen felt, too, that they were running some risk in becoming responsible for the money which such allotments would require, and proprietors were not quite clear as to the means they had of ejecting. In rural parishes the curate was generally willing to take some trouble in this matter; but it could not be expected that a curate, with his limited means, could become responsible for the rent of the allotment. He had heard of many instances in which curates, so situated, were unable to introduce the system into their parishes, because they had been unable to find any one ready to stand between the owner and the tenants of the land. It was with a view to meet all the difficulties of the case that the Bill which he sought leave to introduce, had been prepared. He did not propose that his Bill should enact anything compulsory. There was in it no attempt to enforce upon any one the obligation to grant allotments. The objects of the Bill were all of an auxiliary character. It was intended solely to enable those who were anxious to extend this system amongst, and to secure its many and solid advantages to, the labourers to do so; and his Bill would give them the power of so doing with safety to themselves, with benefit to the labouring classes, and, if not with positive good, at all events with no detriment to the landlords. The main provision of his Bill was, that it adopted the plan of a parochial organization. The Bill provided, in the first place, for a meeting of the inhabitants of the parish, in vestry, to consider the propriety of adopting or not adopting the system in their parish. If they should decide upon adopting it, they should then proceed to the election of officers, who should be unpaid, should exercise the functions alloted to them, and have certain legal and corporate powers to enable them fully to carry out the system of allotments among the labouring classes of the parish. All after that which would be required was, security for the owner of the land, and security that a tenant under the system should not be left in possession of the land, either when he was unwilling or unable to pay his rent. He sometimes heard objections started to permitting parishes to interfere in such matters. When the proposed Act of Settlement of the right hon. Baronet the Home Secretary shall have passed into a law, as he supposed it would so pass, the parish, as a parish, would have nothing whatever to do with the relief of the poor. That would become a union, and not a parish concern, when the Act he referred to became the law of the land. But as there was an organization in each parish, why should not that organization be taken advantage of in other modes for the benefit of the poor? Parochial organization might prevent pauperism as well as relieve it, and might be used to assist the independent labourer in obtaining his own livelihood; and he thought there was an advantage in keeping up the mutual interest and dependence which arose from parochial connexion. He did not think it necessary to say anything in general praise of the system of allotments. He felt that experience had placed the matter beyond a doubt. He had never heard an objection to the system drawn from practical experience. He had never heard any one who had tried the allotment system speak in its disparagement. Some might have tried, it is true, and might perhaps have seen no great benefit result from it; but none who had tried it, found mischief or positive injury to be its consequence. There were many who urged theoretical objections against the system, and who objected to allotments because they prevented the adoption of other and greater schemes of amelioration for the poorer classes. It was said by these, that the system interfered with sound political economy, inasmuch as it would interfere with the division of labour; and it was objected that a man should not work for two masters. It was feared that, in reserving his energies for himself, he would deprive his employer of the amount of labour to which he was entitled. He had made inquiries and never found any one to state that had been the case; and it seemed to him a great advantage that idle or misemployed moments should be turned to profitable account. Unfortunately, the wages which the labouring man was now in receipt of in almost all our agricultural districts, were not sufficient to enable a man to live with any degree of comfort upon them. In the present state of things, in order that he may enjoy the advantages of which his situation renders him capable, the labouring man must have his garden to work in, and must work in it when he has obtained it. It was only turning to profitable account that time which would otherwise be wasted. It was also employing land in the most profitable way in which it could be employed. Experience had proved that spade husbandry exercised on a man's own account, gave a very much larger amount of produce than any other mode of tillage. If the labouring man chose to employ his leisure hours in this mode of employment, it was surely to his advantage, and to the utmost advantage of the country at large, that what was his amusement should also be the means of producing a large amount of food for the use of the people, and contributing to his own comforts and the comforts of others. He was not aware that it ever happened that a man became more lazy and indolent in the work he did for his master, because he had a garden of his own to till during his leisure hours. He did not know that a man so situated had ever been found idle during his working hours in order to reserve his strength and be enabled to work to more purpose for himself. On the contrary, he was sure it would be found that the allotment labourers were the most industrious, laborious, and trustworthy amongst the labourers on a farm. They were also found to be, in a moral point of view, superior to other labourers, differently intentioned, besides being harder-working men. There was another objection sometimes made to the allotment system, and that was, that it was found to impede the free circulation of labour. The objection was this: If they made the labourer more comfortable, he would have less inducement to wander in search of work. But a field-garden was not sufficient to provide a livelihood for a man and his family. If there was no employment for a man in his parish owing to excess of population, a field-garden would not keep him from migrating; because it would not maintain him. But if there were a temporary lack of work, it might save him from the necessity of breaking up his home and going into the workhouse. But such an objection could not be confined to this particular case. It applied to everything that tended to improve the condition of the labouring man. It applied to every act of kindness, to everything which rendered his situation more endurable. And surely, if the objection were made, in consistency it should go to this — that the owners of land should endeavour to make the pressure of poverty and suffering so hard upon the labouring man that he should be driven from his parish to escape it, and to seek an asylum in another, because in his own parish his situation was unendurable. The desire that the unemployed labourers should leave their homes, and go elsewhere and seek employment, was a different thing from taking steps to force them to do so. For though it would be a desirable thing that men should go elsewhere to better their condition, we had no right to take any step to force them unwillingly to encounter the risks and terror of wandering without daily food. If the situation of the labouring man was such that it would benefit him to go, it was the duty of those who took an interest in him to show him that he would be benefited by such a step; but they are not to attempt to drive him away by refusing him those advantages which might render his lot more endurable than before. It was not so much a matter of surprise that the labouring men of this country should be so unwilling as they are to leave their parishes or to emigrate. First of all, the Law of Settlement generally rendered it a matter of the utmost risk for a man in that class of society to leave his parish. There was a chance of his being driven back to it, or of falling in with careless or inattentive Unions or Guardians, who might refuse him relief until the time had elapsed when starvation had done its work. It was all very well and very pleasant, sometimes, for the man of capital to travel through the world—very well for those who had some means at their command to go elsewhere in search of a happier fate than was accorded to them at home. But let them conceive the position of a labouring man, with a family to provide for, and entirely dependent upon his daily wages for their daily bread. He was in no very favourable position either for travelling or emigrating. He might go into a county where he was not certain of finding work, and where, not having capital to fall back upon, and thus wait until he got work, he must necessarily starve in the meantime. He must say, that even if it were a desirable thing that labourers should not be confined to particular localities, but that they should move about, and circulate throughout the country—it was a very great cruelty in any person to refuse them allotments, in order to induce them to leave their parishes. He would only further remark, that this matter of giving a tenancy of land to the poor was not the only matter with regard to the poor which they had been obliged to treat by legislation, and by the establishment of societies for carrying out certain purposes. It might have been supposed that when poor men wanted to borrow money, they might be left to manage for themselves as the rich were; but the Legislature had intervened and had passed measures for the establishment of savings' banks, providing him with the advantage of a place of safe deposit for his money. As they had established loan and other societies for his advantage, it was equally necessary that Acts of Parliament should be passed to assist him in obtaining land, and to give him the necessary security in such a transaction; and he trusted, the House would by its legislation take care of that, as it had done of other matters. He should be sorry, indeed, if, by their legislation, they interfered with the voluntary exertions of individual proprietors. The relations subsisting between them and their allotment tenants was a relation which, so far from wishing to interfere with, he was only anxious to see enlarged. His Bill would not interfere with them. It would only come into operation in places where it was required, and there he believed it would be found to confer many and great benefits upon the poor man, by increasing his comforts and his means of living. The best effects had been observed to flow from it in many districts where the experiment had been tried, and many places had been unpauperised by the adoption of the proposed system. Men had been kept off the parish, had been raised in moral worth and self-estimation, and had been made contented, happy, useful members of society. The subject was an humble one; but not, he trusted, unworthy of the attention of the House, and he would conclude by moving for leave to bring in the Bill.

Mr. *Hume* did not rise to trouble the House with many observations on the Bill. He thought, however, that it held out expectations which could not be realised. It was a doubt with him whether, if the allotment system were adopted in England, there would not be a state of things in this country, which, since he had had the honour of sitting in Parliament, had been considered as the cause of all the evils of Ireland—a multiplying of small allotments—bringing in poverty in their train, and increasing the evils under which the country was already suffering. Therefore it was that he expressed his fears that the temptation held out could not be realised. His opinion was, that where gentlemen were anxious to give allotments to their labourers, they could do it more effectually without an Act of Parliament than with it. He had a dread also of putting in the hands of parish authorities the right of raising money for the purpose of granting allotments.

Mr. *B. Escott* said, that the hon. Gentleman who moved for leave to bring in the Bill had told the House that there was nothing compulsory in it. At the present moment he was not aware how the Bill would interfere with advantage on behalf of allotments, unless there was something of a compulsory character in the Bill, because at the present moment every landowner had the free power to grant allotments to whomsoever he chose. He did not see how that was to be altered with advantage to the labourer, without the introduction of something in the nature of compulsion into the Bill. So far as the allotment system had hitherto been beneficial—and he could not say that it had been universally beneficial—but so far as it had been beneficial, it had been so without the interference of an Act of Parliament. In his opinion, the way to serve the working population was, to extend the means of giving them employment.

Lord *John Manners* perfectly agreed with the hon. Member that if they would give to the poor man a cottage and garden, it would be doing better for him than that which was proposed by the present Bill. The case, however, in which this Bill would apply was where there was not a resident landlord: for instance, he might refer to the frame-work knitters in the midland parts of England; these could not get gardens under the present circumstances, whereas if the House passed this Bill, he had not the slightest doubt, from his knowledge of the class to whom he referred, that they would be greatly benefited by it. He could not avoid saying that the feelings and opinions of the people themselves ought to be respected on this question. Now, the feelings of the people, he was aware, had been strongly excited with regard to it. They were perfectly unanimous on the subject; and it was to be hoped that the House would pass a measure which would facilitate the poor obtaining land—that was, by the means proposed by his hon. Friend. Where the benefits were so great as they were expected to be from such a measure, he called upon the House to do its duty in passing it; and this he would say, that he was sure the overworked and underpaid artisans and mechanics of this country would ever feel grateful to them for such a proof of their sympathy.

Mr. *Sharman Crawford* remarked, in answer to an observation made by the hon. Member for Montrose, that there was a great mistake as to the poverty of Ireland being connected with small holdings. The system in Ireland of letting land by "conacre" was mixed up with the severe distress of the people. Under that system the poor were obliged to take small patches of land—half an acre, or less—for the purpose of planting their potatoes, and for which they had to pay at the rate of eight guineas the acre. That was not the universal rule, however, with respect to small holdings in Ireland. Where these were taken under proper regulations—where they were held under the head landlord, and under a reasonable rent—there was no part of Ireland in which the people lived in greater comfort. He would instance one estate as illustrative of this: it was that of such a landlord as the Marquess of Londonderry. There the small holders, under such a head landlord, lived in every comfort, and received every attention and kindness from him. There was no class of the community in greater comfort. He must observe that half an acre would be no benefit, but an evil, unless the holder of it had employment elsewhere. They ought to recollect that the poor agriculturist of England never had the means of raising himself above the position of a poor labourer. The labourer who began with a small holding had the means afforded to him of bettering his condition, and at length of enjoying every comfort that the peasant could require.

Mr. *Roebuck* remarked that the Bill proposed a change in the whole system of the condition of the labouring classes, and it therefore demanded the attention, and the serious attention, of the Government. He called upon the right hon. Gentleman opposite to look to the machinery that was to be introduced, and to consider that it was proposed to make applicable a certain portion of the poor-rates for the purpose of carrying the Bill into effect. He hoped that they would not go into a Committee on the Bill without having a distinct declaration from Her Majesty's Government as to whether the Bill met with their approbation, and how far it would square with their other legislation affecting the condition of a large portion of the population of this country.

Sir *J. Graham* observed, that when a Bill similar to this had been before the House he had then stated his opinion respecting it. As to the measure before them, he agreed with the opinions indicated by the hon. Members for Montrose and Bath, that one provision of it was very objectionable, namely, that which would make the poor-rates a security for the rent. He held that to be objectionable. He understood the hon. Member to state that it was to be only a permissive measure—amounting, as the hon. Member had termed it, to the hiring of land. He quite agreed with his noble Friend in thinking that if it were permissive for the landlord to give land with cottages, it would be preferable, subject, however, to the observation that he had made. He must say that he was anxious to see the Bill before them, for as far as he could then learn of its provisions, it appeared to him to be a decided improvement upon the Bill of last year. Last year it was proposed that an acre of land should be given—now half an acre was proposed. He thought the smaller was preferable to the larger quantity. It was he considered, a matter of infinite honour to the hon. Gentleman, that he had bestowed so much attention on the subject; and it would, in his opinion, be highly indecorous in that House to offer any opposition to the proposal to introduce such a measure. Any measure likely to benefit the poor of this country was worthy of the attention of the House. The distress and poverty of the agricultural peasantry could not safely be overlooked by that House. Any measure, then, which held out a reasonable expectation of advancing their comforts and promoting their enjoyments must be regarded with respectful attention, and with a favourable anticipation of its success. In introducing this Bill, he then said he looked to it with favour, and with hope that a successful issue might be the result of the hon. Gentleman's labours.

Mr. *Mangles* observed that the hon. Member for Winchester had spoken in a deprecating tone of this measure, and had suggested whether the landlords could not do better for the poor, by supplying them with employment. He lived in a poor agricultural district, and could say that, except in the heat of the hay and corn harvest, the poor were out of employment often for many weeks together. How, then, were they to be benefited? During the recess he had paid a great deal of attention to the subject of allotments, and there were two important points connected with it, on which he had arrived at a positive conclusion. He had consulted a great many Gentlemen—and ladies too—amongst the rest Mrs. Davies Gilbert, and he could say, that there was no subject of equal magnitude on which he had found testimony so unanimous in its favour. He had never found one person who had tried it, find fault with it. Mrs. Davies Gilbert assured him it had never failed in a single instance under her management. He thought he was right in saying that that lady had informed him, that in 400 allotments, and for eleven years, not one holder had failed in paying his rent. That, then, was one important point as to the success of the measure. Another important point was this—that he never knew an intelligent labourer who was not favourable to it. In West Surrey, where there was a large number of gentlemen talking in the bank on this subject, and where he was defending the system almost alone against many others, there was a poor man standing by, changing a note. This poor man restrained himself as long as he could from joining in the conversation of his superiors: he could, however, hold out no longer, and he thus addressed them—"Gentlemen, you may say what you like, but I know that it is a good plan, and that it has made a man of me." He went afterwards and saw that man on his allotment. The man had then three pigs in his sty; he had, too, a field under potatoes, and there was a chaise cart at his door. Four or five years before that man was a common labourer, earning but 10*s.* a week. He found that the chaise cart belonged to two men, who wished to buy this person's potatoes, and he was able, from his independent position, to refuse the price they offered him. The same man brought him to another field, which he had been able to take. For that field the man paid 3*l.* an acre, and said he was able to make a large profit on it. He differed with the right hon. Gentleman the Secretary of State as to the quantity of land allowable to be taken under this system. The quantity should depend on the amount of labour the occupant was able to give to it. If a man got employment from other sources, half, or quarter, of an acre might be sufficient. He should give his most cordial support to the Bill.

Motion agreed to. Bill brought in—read a first time.

EXPENSES OF PASSING PRIVATE BILLS.] Mr. *Hume* said, he had given notice of a Motion for a "return of the titles of all Private Bills passed during the last Session of Parliament, together with the names of Parliamentary agents and solicitors by whom such Bills were solicited and obtained; stating also the aggregate amount of their bills of charges, under the separate heads for soliciting and passing such Bills through Parliament; stating also how many of such Bills have been taxed, and by whom." His object was to direct the attention of the House to the subject, with a view to the adoption of some remedy for what was considered a great evil by all parties who had occasion to come to that House for Private Bills. He did not complain of the fees of the House, but of the exorbitant expenses of soliciting and agency, against which there was no check. In the hope that the Government would take up the matter, it was not his intention to press his Motion.

Mr. *Cardwell* said, the Government were most anxious to adopt any practicable plan for bringing the expenses of Private Bills within reasonable limits; but, as the hon. Member was aware, there were very great difficulties in dealing with the matter. The fees of the House, the hon. Member had admitted, were not excessive. The question then was, whether they ought to interfere to keep down the other expenses by some system of taxation? The hon. Gentleman, however, must not forget that the parties to these Private Bills were not now altogether without a remedy, as the agents could not recover for any unreasonable expenses.

Mr. *B. Escott* concurred in the suggestion of the hon. Member for Montrose, that some means for limiting the expense of such Bills should be devised, and put in practice.

Motion withdrawn.

House adjourned at a quarter to twelve o'clock.

HOUSE OF COMMONS,

Wednesday, March 5, 1845.

Minutes.] Bills. *Public.*—1°. Smoke Prohibition; Consolidated Fund (£8,000,000).

3°. Stamp Duties Assimilation.

Private.—1°. Ulster Railway Extension; Bradford Gas; Scarborough Water; Sheffield Waterworks; Surrey and Sussex Roads; York and North Midland Railway (Goole Branch); Forth and Clyde Navigation; West Cornwall Railway; Cambridge and Lincoln Railway; Oxford and Rugby Railway.

2°. Britten's Divorce; York and North Midland Railway (Bridlington Branch).

Petitions Presented. By Mr. Shaw, from Kilvelmnon, and several other places in Ireland, for Encouragement to Church Education Society (Ireland).—By Viscount Clive, from Stretton Grandison and 4 other places, against Union of Saint Asaph and Bangor.—By Mr. Stafford O'Brien, from Leighton Buzzard, for Agricultural Relief from Taxation.—By Mr. Wrightson, from Attorneys and Solicitors of Northallerton, for Repeal of Stamp Duties on Attorneys' Certificates.—By Mr. John Neeld, from Cricklade, Mr. T. Duncombe, from Charles Cordingley, of Springfield Droylsden, and by Sir John Trollope, from Long Sutton, against the Renewal of the Property Tax.—By Mr. Ferrand, from Dewsbury and Hopton, for Inquiry into the Anatomy Act.—By Captain Rous, from Society for the Mutual Protection of Trade, against the Insolvent Debtors' Act.—By Mr. Christopher, from Medical Practitioners of North Lincolnshire, for Alteration of the Medical Practice Bill (1844).—By Mr. Bouverie, from Justices of the Peace of the County of Berks, against the Poor Law Amendment Act.—By Mr. Blewitt, from Tredegar and Sirhowy, Mr. Brotherton, from Ipstones and Culmstock; and by Mr. Hughes, from Fulletby and Conway, for Diminishing the Number of Public Houses.—By Mr. Pringle, from Presbytery of Jedburgh, for Alteration of Road Act (Scotland).—By Mr. B. Ellice, from Cupar, Mr. G. Duncan, from Dundee, Mr. Loch, from Chanonry, and by Sir Thomas Hepburn, for Improving the Condition of Schoolmasters (Scotland).—By Mr. Bankes, from Henry Charles Deshon, complaining of Board of Guardians of Sturminster Union.—By Viscount Ebrington, from Tradesmen of Vauxhall, and Inhabitants of St. Olave, Southwark, for Abolishing the Tolls on Waterloo and other Bridges.

Van Diemen's Land.] Mr. *Ewart* wished to ask a question of the hon. Gentleman the Under Secretary of State for the Colonies. By Act of Parliament the justices of Van Diemen's Land were, he believed, empowered to visit the different prisons and penitentiaries of that island. He had been informed that obstructions had been given to the exercise of this duty on the part of the magistrates, and that, on their applying for permission to enter into one of the female factories or prisons, they were informed that they could not be allowed to do so without the authority of an officer called the Comptroller-General. He believed it was of great importance that the magistrates should have the power of visiting the prisons; he, therefore, wished to ask whether any information had been received by the Government of this complaint of obstruction?

Mr. *G. W. Hope*, in answer to the question of the hon. Gentleman, had to state that no official report of that complaint had been received by Her Majesty's Government; but there had been received a private letter from Van Diemen's Land mentioning the circumstance. The communication was, however, strictly private, and in no way in the shape of a complaint. The letter stated that any newspaper paragraph upon the subject must be taken with great qualification. The proper and official course for any such complaint to be made was to the Governor of the island, whose duty it would be to forward it to Her Majesty's Government at home. No such course, however, had been pursued; no complaint had been made to Sir Eardley Wilmot; and no official account had been received from him respecting it.

The Sugar Duties.] Mr. *Thornely*: I wish to repeat the question which I put yesterday to the right hon. Gentleman the First Lord of the Treasury. I yesterday stated that a quantity of sugar had reached this country from the United States, which was notoriously the produce of slave labour. The question which I then put has become of more importance, because to-day I find that samples have arrived of cargoes of two or three shipments from New Orleans. The question I wish to put is this, whether this sugar, the produce of Louisiana, and therefore the produce of slave labour, will be admitted at the same rate of duty as sugar from China, Java, and Manilla, which is considered the produce of free labour?

Sir *Robert Peel:* There are certain countries—the United States being one of them—where sugar is produced by the labour of slaves. The United States, and one or two other countries, have concluded Reciprocity Treaties with this country, which Treaties stipulate that the produce of such countries shall be admitted into this country on the footing of the most favoured nation. That, I apprehend, is the state of the case. But, up to this hour, there has been no official information received by Her Majesty's Government, from the Custom-house, with respect to the arrival of this shipment of sugar, nor has any communication been made to the Treasury Board upon the subject, nor any application for an Order in Council which would be necessary before the sugar could be admitted. At present, I apprehend that the sugar could not be admissible, for no Order in Council has been issued for its admission from the United States. At the same time I have no hesitation in saying that my construction of the Treaty is, that sugar from the United States would, under the Reciprocity Treaties, be admissible on the same terms and footing as sugar from Java, Manilla, and China.

Mr. *Thornely* had heard the answer of the right hon. Gentleman with great satisfaction. He begged simply to state that the produce of sugar in Louisiana was such as would give great profit on its exportation to this country, and that there was every reason to believe the new trade would be carried on to a very considerable extent.

Mr. *Ewart* said, there was another question connected with this subject, which he was anxious to have answered. He wished to know whether the right hon. Baronet was aware that all the sugar coming from Louisiana was brown Muscovado sugar, and, therefore, would come into this country at the duty of 23*s*., and not at 28*s.?* So that, in fact, this slave-grown sugar of the United States would be imported at a lower duty than the free-labour sugar of Java, Siam, and Manilla.

Sir *R. Peel* declined entering into any argument upon the subject at present.

New Houses of Parliament.] Mr. *H. R. Yorke* begged to ask the Chief Commissioner of Woods and Forests, when the statements of the total estimated cost of the building of the New Houses of Parliament according to the latest plan approved, would be laid upon the Table? Also, whether the noble Lord would lay upon the Table of the House Mr. Barry's last half-yearly Report of the progress of the works to the Commissioners of Woods and Forests; and also, seeing the inconvenience of the present temporary arrangements, whether the New House of Commons would be ready for occupation at the commencement of 1847, the latest period alluded to in the Report of the Select Committee of last Session.

The Earl of *Lincoln* hoped he should be able to relieve the hon. Gentleman's anxiety upon the subject of his first question. He (Lord Lincoln) had no reason to anticipate that the cost of the New Houses of Parliament would at all materially exceed the estimate. There would be a small excess, arising from two additions to the original plan, but not at all from any fault of the architect exceeding his original estimate. He should be prepared to lay on the Table of the House to-morrow a statement of the total cost of the two Houses of Parliament, by which it would appear that the small excess above the estimate mentioned last year was chiefly in consequence of two items which he would explain. The original estimated cost was 926,319*l.*; to that was now to be added the sum of 800*l.* for certain alterations in the Victoria Tower, and the sum of 1,794*l.* for the building of a residence for the Clerk of the Crown. So that the whole amount of the estimate would be but 928,913*l.* He would also lay on the Table to-morrow the half-yearly Report of the architect, which was made up to the 28th of January. As to the third and last question, whether the New House of Commons would be prepared for their reception by the Session of 1847, he (the Earl of Lincoln) had to answer, that he had seen the architect this morning, who assured him that he saw no reason to withdraw the declaration which he had made last year, namely, that the New Houses would be ready in 1847.

Interment in Large Towns.] Lord *Mahon* said, that he had a question to ask the right hon. Baronet, with reference to a subject upon which the hon. Member for Lymington had a Motion on the Paper, the practice of interment in large towns. The House would recollect that a Committee sat upon this subject in 1842, and that that Committee had in their Report earnestly recommended the question to the consideration of the Government. He wished to know whether Government were now engaged in considering any measure to remove the evils complained of?

Sir *J. Graham* could assure the noble Lord that he had considered the recommendation of the Committee referred to, and had repeatedly given his attention to this subject; but he was bound to say, that the more he had considered it, the more was he convinced of the difficulty of legislating upon it. He had not been able to frame any measure satisfactory to his own judgment, and he was not therefore in a condition to bring any Bill into the House on this subject during the present Session. He feared that any prohibition of interment within the walls of a city would not be in harmony with the feelings of a great body of the people.

Property Tax.] On the Motion that the Speaker do leave the Chair to go into Committee on the Property Tax Bill,

Captain *Bernal Osborne* said, that in rising to oppose this Bill, he hoped the right hon. Baronet opposite would not suppose that he was offering any factious opposition to it. But when he heard the noble Lord the Member for London and other hon. Gentlemen say, that they intended to support the measure, although they could not approve of it, he felt that he should not be doing his duty to his constituents if he did not oppose it on the present occasion. If he were only supported by one Member he should divide the House, and would, therefore, move that the House go into Committee on the Bill that day six months.

Mr. *Muntz* begged the attention of the House for a few moments, while he explained the reasons why he was opposed to the principle of the right hon. Baronet of continuing the Income Tax. Although he had in the first instance voted in favour of it, circumstances were now, in his opinion, completely altered. He had voted for the Property and Income Tax on the ground that additional taxes were necessary, and because he felt satisfied at the time that any additional taxation on articles of general consumption would be unjust. But the case was now different. The question now was not whether taxes should be imposed, but whether one or more taxes should be repealed; and the difference in the circumstances would, in his opinion, justify the difference in his votes. When he supported the original Bill, he expressed his objections to the tax on income on the ground of its injustice; and his opinion in this respect had been fully confirmed by what had since occurred. He had never met a single Commissioner under the Act who had not admitted that the injustice of the tax was quite evident, and that many people who had no income paid the tax merely to maintain a station in society. He did not oppose the tax in consequence of its being a Property Tax. On the contrary, he would willingly vote for its being quadrupled; but he objected to it as it now stood. Another reason why he objected to the tax was, that he considered that the House and the country were labouring under a gross misconception with regard to it, in believing that it would be removed at the end of three years. In this they were deceived. In his opinion the tax would be perpetual, and would descend not only to their children but to their grandchildren and great-grandchildren. He was inclined to admit that the country was in some degree prosperous, and that a certain amount of improvement had taken place. But the reason was evident. The right hon. Baronet had improved, to a certain extent, the condition of the industrious classes at the expense of the other classes. He had relieved manufactures by robbing agriculture. That was merely robbing Peter to pay Paul. What he wished to know was, who was to pay Peter? An hon. Member had said that the right hon. Baronet was a bird upon whose tail it was difficult to put salt. But the right hon. Baronet had succeeded in putting salt on their tails. He made these remarks with no bad feeling towards the right hon. Gentleman. He admitted that a certain improvement had taken place; what he doubted was its continuance. He could not, however, sit down without expressing his opinion that the tax on income was a tax most vexatious, inquisitorial, and unjust.

Mr. *F. T. Baring* said, that if he really believed it to be in the power of the House, having a due regard to the finances of the country, to get rid of the Income Tax, no temptation to try a great experiment—no temptation to take off other taxes—would ever induce him to forget the pledge given when the tax was first imposed, or to prefer it to any other tax, his opinion being that a tax on income should be the last tax which should be imposed. But had they the power of taking off the Income Tax? What was their real financial condition? Last year, when the right hon. Baronet brought forward his Budget, he told the right hon. Baronet that he thought if the Income Tax was to be continued, the better course would have been for the right hon. Baronet to have come down to the House, and proposed its continuance for three years; and that during that period he should endeavour to employ the surplus in a manner to give relief to the country, and at the same time in a way which would not have endangered the taking off the Income Tax at the end of the term originally proposed. He did not allude to this with a view to a re-discussion of the question; he alluded to it in justification of himself, and to show that the course which he was now about to follow, he then pointed out as the best course. What was the real state of the finances? It was necessary that there should be no delusion on the matter; and that they should distinctly understand whether they had a surplus to deal with, and whether they would be able to take off the Income Tax or not. What was their position? According to the estimate of the right hon. Gentleman, the estimated Revenue, not including the Property Tax, was to be taken at 47,900,000*l*., and the estimated Expenditure at 49,700,000*l*., leaving a deficiency of 1,800,000*l*. Was that the whole of the deficiency? He recollected that hon. Gentlemen opposite used formerly to contend that it was expedient to leave what they called a margin to meet casual expenses, and those checks of revenue which they had so often experienced. He did not believe that they could place the finances of the country in a really satisfactory position unless they had some margin of that kind; and if they took that into consideration, he did not see how they could get rid of the Income Tax without imposing taxes to the amount of at least 2,000,000*l*. That was his only justification for voting for the Income Tax. He had voted for it because he was not prepared to leave the revenue of the country in a state of deficiency. He cared not what taunts were thrown out against him; but he, for one, would not be a party to creating a great deficiency in the revenue; and he must say that he did not think it would be wise, after having had recourse to so strong a financial measure, to take off the tax in question, and to refuse all the advantages resulting from it. That was a course which no man in his senses ought to pursue; and he was surprised to find that his hon. Friend near him (Captain Osborne) had thought the opposite course unintelligible. The right hon. Baronet (Sir R. Peel) said that he and his Friends around him had spoken against the tax, and yet had voted in its favour; and the right hon. Baronet asked,—"Why do you not vote against the Income Tax if you disapprove of it, and propose certain other taxes to meet the trifling deficiency?" But it was quite a different thing to opposing a tax when it was first proposed, and when once imposed, to repeal it, for the purpose of replacing it by other new taxes. By the present arrangement, it was proposed to continue the tax for three years, for the purpose of meeting the deficiency, and to take off other taxes to relieve the people; if he voted against the tax, he must impose other taxes to the amount of 2,000,000*l*. However hostile to the Income Tax, he was not prepared, under such circumstances, to refuse the continuance of the tax for a limited time; but he would not be a party to making the Income Tax a part of the permanent financial system of that country. He thought it would be unwise to do so, and had always opposed, and would continue to oppose, any such attempt. Admitting that some tax was necessary, and that the Property Tax was required temporarily, he had next to consider the propositions of the right hon. Baronet; and as he (Mr. Baring) had not hitherto had an opportunity of addressing the House on this question, he hoped they would pardon him for a few moments while he referred to the subject. In the first place, he could not conceive how they could argue the question of the Income Tax without going into the whole of the financial arrangements of the right hon. Gentleman; and, in looking at these arrangements, he must say that he sincerely regretted that the right hon. Gentleman had, at so great a risk to the revenue, left himself with so small a surplus as 90,000*l*. or 100,000*l*. It did appear to him to be a small surplus to rely on. And on what did that surplus rest? On the Sugar Duties. And on what did the Sugar Duties rest? On the calculation that the consumption of sugar would be increased by the proposed alteration by nearly one-fifth beyond what it was in the year of the greatest consumption ever known in this country, and that that consumption would be supplied by the coming in of certain sugars at a higher rate of duty. Now, they hardly knew, at the present time, what the duties were upon which the right hon. Baronet might be obliged to fall back; but it was clear that if the classification were abandoned, there would be little prospect of a surplus. The hon. Member for Newark, late President of the Board of Trade, had warned the right hon. Baronet that he would not get the amount he expected from the Sugar Duties; and he must say that it was his opinion, as well as that of many of the more reasonable parties out of doors, that the right hon. Gentleman, having had recourse to the strongest financial measures, had gone too far in what he himself had called a bold experiment. He now came to the taxes which it was proposed to repeal. He would at once admit that they could not take off any tax without eventually benefiting the industry of the country; but there were certain taxes the repeal of which would operate more rapidly than others. He could not see in the proposals of the right hon. Gentleman anything to charm the lower classes. No doubt the reduction of the duty on sugar would be a great boon; but unfortunately the right hon. Baronet could not deal with it on the principles of free trade. He was obliged to except it from the general rules of common sense; and the reduction proposed could not be expected to produce the benefits which it would have done if it had been effected in a more rational way. He was very much afraid that the course proposed to be adopted by the right hon. Baronet would neither give the benefit to the revenue nor the consumer. He next came to the glass duties; and he believed that the abolition of those duties would be a great relief to the trade. Having said thus much, he must add, that he doubted much whether the lower classes would be much benefited by the repeal. They would gain indirectly by the repeal of the glass, or any other duty; but the direct benefit would be very small, and be long before it came into effect. There was another duty which the right hon. Baronet proposed to remit. The right hon. Baronet need not rely on any support of his with respect to the remission of the auction duty. For his part, he would have preferred a reduction of the duty on marine assurances, or on soap, to that of the auction duty. Indeed, there was not a single tax, but a strong case could be made out in favour of its remission, by reference to the Reports of the Commissioners of Excise. The most perfectly conclusive and satisfactory evidence against any given particular tax might be adduced from these Reports. Now, they should consider on the present occasion the selection made by the right hon. Baronet with reference to a remission of taxation. The Budget had been called the poor man's Budget. It was true they gave the poor man something; but did the proposition of the Government touch the poor man's immediate necessaries? No; it did not touch the poor man's bread, nor cheese, nor his butter, nor his soap, nor his tea, nor his tobacco, nor his coffee — though, he admitted, that some relief had on a former occasion been shown with regard to the latter named article; but he did not think the right hon. Baronet did all that he might, or ought, with his surplus revenue. He was not so enamoured of the right hon. Baronet's proposal as many of his supporters in and out of the House had expressed themselves. But the right hon. Baronet said, in the calculations he had entered into, and the changes he proposed, one great object he had in view was to get rid of the Income Tax in the course of three years. He doubted whether the performance of the right hon. Baronet in this matter would equal his promises. He had no doubt that the right hon. Gentleman as to the Chancellor of the Exchequer had a firm conviction that he would be enabled to do without that tax. The right hon. Gentleman said no man could speak positively what might occur in three years hence; but looking at the premises, he felt satisfied that the revenue would right itself before the expiration of that time. When the right hon. Gentleman used that language, it reminded him of certain opinions ascribed to a gentleman, named Prosperity Robinson. But he would ask the right hon. Baronet opposite, and the House, one question, and that was, did they expect the revenue to increase to the amount of 5,000,000*l.* by taking off 3,000,000*l.*, or 4,000,000*l.* of taxes. He did not think such a result would be the case, although he had the greatest possible confidence in the strength and elasticity of the resources of this country, and had never, whether at one side of the House or the other, joined with those who indulged in the language of despondency; but he could neither agree with the expectations nor figures of the right hon. Gentleman. The right hon. Gentleman had directed attention to the year 1816, and the state of the revenue at that period, when 3,000,000*l.* of taxes were taken off; and had stated that the revenue soon righted itself. But the right hon. Gentleman had forgotten the Income Tax which then existed. In 1815 the ordinary revenue paid into the Exchequer had been 71,900,000*l.* [The *Chancellor of the Exchequer*: Including the Income Tax.] Exactly so; he thought the right hon. Gentleman had forgotten the Income Tax, which made a difference of no less than fourteen millions and a half. In 1815 then, as he had stated, the ordinary revenue had been 71,900,000*l.*, while in 1819 it was but 52,155,000*l.*, thus showing a loss of above 19,000,000*l.* That was not a very consolatory result for the very first case on which the right hon. Gentleman relied. It was on those grounds that the Cabinet had taken up their impression that the Income Tax could be taken off at the end of three years. Other cases were more clear. On the decline of trade in a bad year, taxes were taken off to relieve it; in another year, trade revives and the revenue improved; and then it was said that this was the result of the remission of taxation. To a certain extent he admitted this. But when he came to look into the Returns on the Table of the House, he did not see anything to justify the position which the Government had taken. He would take two different periods, and would group certain years in two distinct classes, for the purpose of ascertaining the comparative state of the revenue at those respective times. In the years 1822, 1823, 1824, 1825, and 1826, there had been a large amount of taxation taken off. From the years 1832, also, to the year 1836, a large amount of taxation had also been taken off. At both those periods there had been a great reduction in the amount of taxation. Now, for the first period he had named, taking the average amount of the revenue for the years 1820 to 1824 or 1825, and comparing it with the average amount of the revenue for the years 1827, 1828, and 1829, the right hon. Gentleman would find that after having taken off 13,000,000*l.* of taxes, the revenue had not righted itself; but that a loss of between 3,000,000*l.* and 4,000,000*l.* had been sustained. If the right hon. Gentleman would turn then to the second period, and compare the average amount of taxation for the years 1827, 1828, and 1829, with the average amount of the years 1837, 1838, and 1839, when taxes to the amount of 9,600,000*l.* had been taken off, the loss to the revenue he would find had been about 4,600,000*l.* By reference to Returns moved for by the hon. Member for the Tower Hamlets, it would be seen that beteen the years 1815 and 1830 the amount of taxes taken off had been about 18,000,000*l.*, and the result was during the period a loss to the revenue of between 7,000,000*l.* and 8,000,000*l.* The House would recollect that in the whole of the right hon. Gentleman's explanation upon this subject, he said that in taking off the taxes he proposed to remove, he would not only be conferring a certain amount of relief on a large portion of the community, but that he would be borne out in doing so by the history of the acts of those who had preceded him in office. From the year 1815 to the year 1833, about 33,000,000*l.* of taxes had been taken off, by which no less than 22,000,000*l.* were lost to the revenue. And now he would ask the right hon. Gentleman how he proposed to persuade this House that in his financial statement he meant to carry out the pledge he had given relative to the alleviation of taxes? There was one point to which he wished particularly to allude; but that he considered it of importance he would not trespass upon the attention of the House. When first the right hon. Gentleman, in the year 1842, proposed the Income Tax, he then held out expectations that the tax might be taken off at the end of three years. He (Mr. Baring) pressed him at the time to explain by what means such a desirable conclusion was likely to be produced; and argued that no such increase of revenue was probable as would enable the right hon. Baronet to fulfil the expectations he was raising. The answer of the right hon. Baronet was this—that there were two sides of the account which he might look to—the income and the expenditure—that it was not only on the increase of income which he relied; but that he had also expectations from the diminution of the expense. It was now time to test these expectations of the right hon. Baronet. Now, he (Mr. Baring) had looked at the amount required for defraying the expenses of the great services of the country; and he had compared the estimates of the right hon. Gentleman opposite for those services, with the expenses incurred in 1841, the last year of "Whig mismanagement," and he had found that the estimates of the right hon. Gentleman in this item alone, exceeded by half a million the expenditure of the last year of "Whig mismanagement." He did not complain of the amount, if it should be deemed necessary for the sustainment of the honour of the country; on the contrary, he would not shrink from his share in the responsibility; but he could not avoid saying that, after all they had heard from the right hon. Gentleman of reduction of taxation, and after the manner in which the Whig party had been held up for "mismanagement" and "jobbing" —it was not very satisfactory to have it announced that half a million more would be required this year for the army and navy estimates than was expended for the same purpose during the last year of "Whig misrule and mismanagement."

The *Chancellor of the Exchequer* said, there was so much in the opening of the right hon. Gentleman's speech, in which he (the Chancellor of the Exchequer) was about to concur, that he did not feel it necessary to follow the right hon. Gentleman at great length in the several topics which he had submitted to the House. He need not advert to the right hon. Gentleman's statement of the Revenue and Expenditure of the country, because from the figures which had been stated by his right hon. Friend on a former occasion, and which the right hon. Gentleman had repeated, there was no dispute as to facts. Considering the increased expenditure which it was necessary to incur in the course of the ensuing year, and putting out of account those extraordinary resources which could not be looked upon as regular revenue, there was no doubt that, independent of the Income Tax, there would, at no distant period, be a deficiency which would require some means of supply, and that formed one ground on which his right hon. Friend had recommended to the House the continuance of that tax. If the only object had been to make up the deficiency which would have existed, of about 1,800,000*l*., other means might have been open for Parliament to discuss as available to supply that deficiency; but his right hon. Friend, agreeing in this with the right hon. Gentleman, thought, that a change of taxation not imperiously called for, was an aggravation of taxation; and knowing that the Income Tax, during the period it had been in force, had been paid with willingness on the one hand, and had been most productive to the revenue on the other, the Government thought it well worthy of consideration—whether it was not expedient to continue that tax, and to raise a larger amount than the immediate exigencies of the Public Service required; giving to the people at large relief from burdens which pressed heavily upon them, and at the same time invigorating the Revenue, and affording an incentive to the industry of the country. That was the ground upon which a continuance of the Income Tax was proposed; and, as he understood the right hon. Gentleman, to the continuance of that tax he made no particular objection; none, at least, which would induce him to offer opposition to it. The right hon. Gentleman, however, had gone into some criticism upon the whole plan submitted to the House on the part of the Government, as comprised in the Budget of the year. In the first place, the right hon. Gentleman had complained of the surplus of Revenue on which the Government calculated, as being less than under ordinary circumstances they ought to rely upon. In that he was not disposed to differ from the right hon. Gentleman. The right hon. Gentleman said truly, and he agreed with him, that on ordinary occasions, unless there was some great end to be attained, some prospect that the measures about to be taken would infuse fresh vigour into the Revenue, it was not prudent to reduce the surplus Revenue to 100,000*l*. or 200,000*l*. in a year; but what was the case on the present occasion? The Government had adopted measures which they thought were calculated to give vigour to industry, and to promote increase in the Revenue of the country; and as they had for the two years to come, as in the year preceding, the China money, which in other years would not exist, they thought they were justified in leaving the surplus Revenue within that limit which, under ordinary circumstances, it was proper it should attain. The right hon. Gentleman had also expressed very great doubt with respect to the general bearing which the reduction of taxation proposed by his right hon. Friend on a former occasion might have on the comforts of the lower orders of people; and, if he had not misunderstood the right hon. Gentleman, he expressly stated that, with the exception of the reduction of the Sugar Duties, which he said would have a material effect upon the interests of the lower orders, the taxes repealed were not calculated to afford them any particular benefit. Upon that point, he begged to differ entirely from the right hon. Gentleman. There were two modes by which the repeal of taxation affected the lower orders of the community—either by diminishing the price of an article which they consumed, or by extending the means of employment amongst them, and thereby affording them the means of purchasing articles from which they would be otherwise debarred. It was a narrow view of the question to say that benefit was not conferred upon the lower orders, because the tax taken off did not in the first instance affect that which they consumed, but affected other interests, supposed to be those of the manufacturer or trader, and to make no reference to the effect which it necessarily had upon the interests of the lowest classes of the community. Take the article of glass, for instance. It was possible that the effect of the removal of the glass tax upon the poor consumer of glass might for a certain time be limited; he might be unable perhaps to renew that glass which he had not at any time been in the habit of consuming in considerable quantity; but if the removal of the glass tax brought into operation new productions of that article, the investment of capital in the erection of new works, and the employment of an additional number of persons, for the purpose of extending trade, either in new inventions, or in new applications of the skill elicited by the remission of vexatious regulations—he said, then, that the poor man did derive most effectual assistance from the repeal of that duty, by the additional employment which he obtained; and by the means it placed at his disposal of purchasing articles essential to his comfort. Look at the cotton tax again. Although the reduction of the duty on cotton might not affect light articles manufactured from that substance worn by the upper classes, it would in a greater degree affect fustian, and those heavy articles of which the clothes of the labouring population were usually composed—he did not entertain a doubt that it would operate sensibly upon articles made of cotton, and constituting, generally speaking, the clothing of the poor. But he had a stronger confidence in the advantage which it would give the manufacturer, and in the extended employment which he would be thereby enabled to offer to the poorer classes. The right hon. Gentleman had said that if one looked into any report upon a tax it would be found to be reprobated and condemned for some reason or other. That might be very true, but the question was this—when one of two taxes were to be repealed, which was the more eligible? And it was only upon a comparison of the nature and effects of taxes that a judgment could be formed, and a decision come to upon that question. With regard to the right hon. Gentleman's complaint respecting his misapprehension of the right hon. Gentleman's opinion; as to the auction duty, he begged, if he had been understood as represented by the right hon. Gentleman, to withdraw the statement. But the right hon. Gentleman had said that the Government would have done better if they had taken off not the auction duty, but the duty on tea, or soap, or tobacco, or some other article of general consumption among the poor. Upon that point he differed from the right hon. Gentleman; for, if there was only the sum of 250,000*l.* to be disposed of in the way of reducing taxation, it should be disposed of in the manner likely to be most beneficial to the community. It was not a fair argument to point to other and larger taxes than that selected, and say that by repealing them there would be a greater benefit to the public. Why, if he were to repeal half of the duty on tea, or a third of that on soap, or the whole of that on tobacco, no doubt either of those reductions would be a benefit to the population; but that was not the point to be considered. From tea there was derived 3,000,000*l.*, between 3,000,000*l.* and 4,000,000*l.* from tobacco, and near 1,000,000*l.* from soap; if the reduction to be made could extend no further than 250,000*l.*, not more than a mere fraction of any of those duties could be taken off, and the advantage of such a small reduction would never be felt by the public, for it would go into the pockets of the trader, or the retailer only, and thus, as far as the general benefit of the community was concerned, that sum of 250,000*l.* would be entirely thrown away. He did not deny that there were other taxes which pressed heavily on the public; but, taking into view the limited amount to be applied to the purpose, he thought the right hon. Gentleman must admit that it had been judiciously applied. He should be prepared to show, as had been already shown by those who had inquired into the tax on auctions, and laid the reasons for their opinions before the House, that of the taxes producing that amount, or nearly so, that was the most unjust in its principles, and the fittest to be repealed; and that its repeal was not the less essential because it caused considerable and complicated evils in its collection, and throw great burdens and difficulties upon the department which managed it. After having objected to the Budget itself, the right hon. Gentleman had proceeded to express his opinion as to the probability of the Revenue recovering within the time specified; but the right hon. Gentleman must give him leave to state what was the argument he had raised upon that point, and how much of it the right hon. Gentleman made use of, as well as how much he excluded from his consideration. First of all, he had stated that there was not any certainty in matters of this kind. On that he never gave a positive opinion; no man could do so; but he had simply made this declaration, that there was a probable ground for supposing that the Revenue, diminished as it would be by the reduction about to be made, would, after the expiration of three years from the present period, leave Parliament in a better condition, and with a larger discretion to decide as to the renewal of the Income Tax for a further term. He had stated that his hopes for the future were founded on his experience of the past; and he referred at the same time to facts in relation to the operation of this very tax. He had shown that the tax having been proposed in October, 1842, the ordinary revenue at that period, had been reduced to the extent of about 1,400,000*l*. But, comparing the state of the Revenue at the corresponding period last year, the amount thus withdrawn from the ordinary revenue was found to have been actually recovered; the amount of the ordinary revenue being the same in October, 1844, within a very few pounds, as it was in October, 1842. In that instance, then, he had shown that under the operation of the Income Tax the Revenue recovered itself in the course of two years; and that instance was strictly in point, carrying with it all those elements which the right hon. Gentleman thought necessary to establish the case. "But," said the right hon. Gentleman, "you referred to antecedent periods." He admitted that he had done so. He had attempted to show that there had been great increase of revenue consequent upon reduction of taxation at other periods. The right hon. Gentleman had said, that the Income Tax ended in 1816, and should, therefore, be taken into account in speaking of the revival of the Revenue at that time. Undoubtedly, there was great weight in that observation. He did not deny it. The Property Tax having ceased, the effect was to place a great deal of money in the hands of consumers, and thus to give a stimulus to trade and commerce. But that argument of the right hon. Gentlemen would not apply to subsequent periods; and the same results were found to have arisen, when no assistance was derived from a Property Tax in the repeal of other taxes. But the great argument of the right hon. Gentleman was this,—that where 13,000,000*l*. of taxation were taken off, only 5,000,000*l*. were recovered; and where 9,000,000*l*. were taken off, only about 4,000,000*l*. were recovered. Why, that, as far as the basis of the argument went, only proved the proposition which he had advanced. The only difference of opinion between the right hon. Gentleman and himself was as to the last instance quoted, whether the sum recovered would be equal to that which the ordinary revenue had previously lost. All that he had put to the House was, that the repeal of taxes to a considerable amount did give that stimulus to the industry of the country which justified the expectation of the recovery and increase of the Revenue within a limited period. The fact had been admitted, and proved to a large extent; and the last instance, under the operation of the Income Tax between 1842 and 1844, completely bore it out. The right hon. Gentleman, in the last place, had adverted to the augmentation of supplies which his right hon. Friend had thought it his duty to propose; and the right hon. Gentleman had taken some credit to himself and to the Government of which he was a Member; because, during the period he remained in office they were not called upon to make such additions to the annual Estimates for the Public Service. They had now arisen from necessity which could not be controlled, and not from any measure of the present Government. The necessity for those additional expenses had arisen from the introduction of a new element of warfare—steam—which, during the period when the right hon. Gentleman was connected with Administration, was, to a limited extent only, brought into operation in the world as an element of warfare. That new mode of warfare, coupled with the entire change of armaments which all nations had adopted with respect to maritime forces, had necessarily, and must necessarily have imposed upon the Minister for the time being, whomever he might be, the duty of placing the army and navy of this country upon at least an equal footing, as to equipment, with other nations. And expense was not only created by that particular armament, but by the necessity of putting the different ports of this country into a proper state of defence against this new system of warfare. Therefore, whatever new charges were in the Estimates, they did not arise from any disposition on the part of Her Majesty's Government to abandon any principles of economy they had professed. Those charges could not have arisen under ordinary circumstances, but they were called for by that change in the general armament of the world which a new power had introduced, and which it was impossible for a great nation like England to overlook or neglect. He had congratulated himself for some time that the right hon. Gentleman concurred with him in the propriety of renewing the Property Tax; and if the right hon. Gentleman now entertained a different opinion from that of Her Majesty's Ministers, he was sure that the time would come when, as in former days, the right hon. Gentleman would be in a situation to acknowledge that the reduction proposed had been attended with benefit to the Revenue, and conducive to the ultimate prosperity of the country; and, with that expectation, he trusted that the House would not agree to the Amendment of the right hon. Gentleman.

Mr. *Ewart* did not coincide with his hon. Friend the Member for Birmingham, nor with the right hon. Gentleman the Member for Portsmouth, and he intended to vote against the Amendment. He thought in the latter part of the administration of the Exchequer by his right hon. Friend, that the real tendency, which had been pointed out by the wants of the times, was, that they should not impose any more taxes upon imports, but that they should revert to taxes upon property. His right hon. Friend touched those two keys of taxation; he tried his 5 per cent. upon imports, and found that fail him; but when he tried his 10 per cent. upon the assessed taxes, he obtained an increase of revenue. He (Mr. Ewart) was convinced that, so far as it could be done, gradually and prudently, it would be wise to revert more to the principle of direct taxation, and relieve the indirect taxation which pressed so heavily upon the commerce and manufactures of the country. He believed that if his right hon. Friend (Mr. Baring) was really anxious to see the duty upon tea, tobacco, soap, and other articles which had been enumerated as bearing with peculiar hardship upon the poor, repealed, he must gradually approach towards a system of direct taxation as the only means of fully relieving the poorer classes of this country. With reference to the subject more immediately under discussion, he begged to observe that some exemptions were loudly called for, one of which was regarded by Mr. Pitt. When he introduced his Income Tax in 1798, he said: "There is one case which, with a view to that class who are really willing to save for the benefit of those for whom they are bound to provide, demands some modification. It is in favour of those who have recourse to that easy, certain, and advantageous mode of providing for their families by insuring their lives. In this Bill, as in the assessed taxes, a deduction is allowed for what is paid on this account." This, he thought, was a most important exemption; but he did not profess himself to be a friend of the Income Tax, which he thought ought to be distinguished from a Property Tax. His opinion was, that the resumption of that sound mode of taxation which prevailed in the time of Walpole—namely, taxation upon property — was the only wise system of fiscal legislation.

Mr. *Barclay* was opposed to the Amendment. He considered the Property Tax to have been administered in a mild and merciful manner, and that on the whole, the returns to it had been honourably and fairly made. It was his intention to give his best support to the measure before the House; but he, at the same time, should say that he did not think his right hon. Friend the Chancellor of the Exchequer had correctly understood the feelings of the House on the subject before them, when he had attempted to excite their hilarity by some of his observations. He considered the reductions in taxation which were proposed to be made by the right hon. Baronet opposite were calculated to prove of the most important utility to the country. He believed the intended abolition of the duty on glass would be most useful, and he anticipated from that measure in particular the greatest possible benefit to the Empire. He was also one of those who entirely approved of the remission of the auction duty. It would be a great relief to the country, and would materially facilitate the transfer of property. Much of the duty heretofore payable on sales by auction had been constantly evaded, and in these cases the benefits of the evasion were always derived by the wealthy, while the duty was imposed where the distresses of individuals prevented them from taking advantage of the means by which its payment might be evaded. But while he willingly consented to the imposition of an Income Tax, as a means of effecting these desirable objects, he did not like to contemplate the probable perpetuity of it. He trusted—from the increase of manufactures and the general prosperity of the country — that their revenue would be found to advance annually, and that they would find themselves in a position in three or four years to relieve the country from the imposition of such a burden. He would take the liberty of suggesting to his right hon. Friend the Chancellor of the Exchequer whether he might not possibly find that at the conclusion of the present year he would be in a position to commence a reduction of the Income Tax. Supposing that the right hon. Gentleman would, at the end of that time, take off one-third of the tax, and at the end of the second year another third, and so on, they would at the end of three years have but a tax of twopence to pay.

Mr. *Hawes* said, he could see nothing in all that had been addressed to the House that evening to warrant him in offering anything short of the most determined opposition to the measure then before the House. He did not think the right hon. Gentleman the Chancellor of the Exchequer had made out a case for a continuance of the Income Tax. The right hon. Gentleman had stated in his place in Parliament that there would be no deficit in the Revenue for the present year, but that on the contrary there would on the 5th of April, 1845, be a surplus, amounting to about 5,000,000*l.* in the national Exchequer. The right hon. Gentleman, in making that calculation, did not take into account the revenue derived from the duty on corn, or the amount of the China compensation money; but when the right hon. Baronet altered the Corn Laws, both with reference to England and to Canada, he evidently intended that a regular importation of corn should take place into the country, and that a regular amount of Customs' income should be derived from that source of revenue. He could not, therefore, concur in the propriety of leaving the corn duty altogether out of the question in dealing with the revenue of the country in future years; and if they added to the income thus obtained, the amount of the China money, they would have an additional sum of 2,000,000*l.* to take into account in meeting the expenditure for 1846. But in addition to that surplus, he felt he was justified in reckoning on a still greater increase in other points than had been estimated by the right hon. Gentleman. In calculating the Estimates for the year ending the 5th of April, 1846, the right hon. Gentleman estimated the increase in the Customs and Excise Departments as but half a million more than the amount which they would produce in the present year. Now, if there was any truth in the anticipation of so prosperous a state of things as that which the right hon. Gentleman the Chancellor of the Exchequer had held forth to them, when he wished to encourage the hope that they would be able to cover the repeal of the Property Tax at the end of three years, then he would maintain that they were entitled to take credit for a larger income from the Customs and Excise than the right hon. Gentleman had anticipated. He did not, however, think that any speculative view of that kind would alone justify him in opposing the renewal of the Income Tax. But he thought that the system pursued with regard to other taxes was not of a nature that was calculated to impart a stimulus to industry, which would enable the country to bear up against the infliction of such an impost. He took a totally different view of this part of the case from that put forth by the hon. Member for Dumfries (Mr. Ewart). There was nothing produced such injurious consequences to industry as a tax upon capital. He considered that any over-taxation of capital was infinitely more mischievous in its results than the taxation of any of the great articles of consumption. It was productive of serious injury to the commercial prosperity of the country. What was it that in former times drove Chancellors of the Exchequer or the Prime Ministers of the day to lighten particular branches of taxation? It was not from any voluntary desire on their part to make such a movement. No tax was removed by the voluntary motion of the Minister, but its repeal was in all cases found to arise from its being unproductive to the Revenue, or from the necessity of making some concession to popular feeling. But, by the imposition of an Income Tax, the House made the Government perfectly independent of those fluctuations which showed the state of prosperity in which the country happened to be at any particular time. He considered an Income Tax, therefore, to be a formidable barrier to the further progress of commercial reform. Whenever the Revenue yielded less than the necessary sum for carrying on the public business of the country, the Minister had but to add a certain sum to the direct taxation of the State, and he would then be no longer driven to look into the general taxation of the country as a necessary step towards remedying the deficiency which had arisen. He believed that if the Income Tax had not been consented to in 1842—if the Government had been driven to other means for maintaining that public credit which he trusted the House and the country would ever continue to maintain—then, in order to again recover the necessary income of the country, the Ministry must of necessity have looked into all the taxes that bore upon consumption. They must have looked to the Sugar Duties, to the Corn Laws, to the Cotton Duties, and to all the other principal sources of revenue; and they must have adopted such alterations in these taxes as would have restored the Revenue to its proper and necessary condition, and as would have been best suited to advance the consumption of the country. Now, when Mr. Deacon Hume had been examined before the Import Duties Committee, what was the result of his evidence? The right hon. Gentleman opposite never failed to rely on any authority which he was able to bring forward in support of his views; and on the same principle he thought he had a full right to claim the evidence of Mr. Deacon Hume as no trifling authority in favour of the view which he was then supporting. When that gentleman was examined before the Import Duties Committee, he was much pressed by the hon. Member for Coventry as to the effect which might follow if free-trade principles were introduced, and he was asked whether this result would not follow—that certain branches of manufactures might fail, or be deeply interested by the adoption of the principles of free trade? Mr. Hume frankly admitted that if "free-trade policy were suddenly introduced, there might be an injury sustained in some branches of manufactures;" though that was a doctrine which in his opinion, was open to some doubt; but Mr. Hume then went on to state the following most remarkable opinion; "If," he said, "protection generally were abolished, and if all duties were levied for revenue, and revenue alone, there was nothing to prevent a rise in the Revenue of this country to fully one-third the present amount, without the imposition of any additional tax whatsoever." He was quite of that view. He believed if they were fairly and faithfully to look to the Customs' Duties simply as a source of revenue, and not as a protection to particular interests, either colonial or home, that they would find in them a means of augmenting the Revenue to an amount far beyond the present deficiency. Now what stood between them and that object? What interfered with them in effecting that most desirable result—that most productive source of revenue? In his opinion it was the Income Tax. He thought the Income Tax stood as a bar to the advancement of the principles of free trade—principles on which alone he considered this great commercial country could rely. He believed the right hon. Gentleman would not have dealt with the Timber Duties in 1842, if he had not the Income Tax to fall back upon; and certainly the alterations in those duties, made upon that occasion were the most unfavourable that could be well conceived to the Revenue, without producing any benefit to the consumer. The duty on Colonial timber was fixed at 1*s*., and on Foreign at 25*s*., an arrangement which would never have been attempted if the right hon. Gentleman had not the Income Tax to fall back upon. Again, what was taking place at the present moment with respect to the Sugar Duties. He would not, of course, go into the question of the Sugar Duties on that occasion, farther than as they bore upon his present argument. Did the right hon. Gentleman, in dealing with the Sugar Duties, act upon the broad and intelligible principle of increasing the consumption to the largest amount? No such thing. He found it still a necessary and advisable policy to consult the Colonial interest, and in order to advance their ends, he sought to exclude, as far as he could, certain classes of sugar from consumption in the market of this country. Now he would wish to put this hypothetical case to the right hon. Gentleman. Suppose, looking to the Sugar Duties as a source of revenue alone, he had imposed a duty of 20*s*. a cwt. upon all Muscovado sugar, and other sugar entering into ordinary consumption, exclusive of the very fine qualities — supposing he had adopted that course in order to get rid of the Income Tax, what would be the result? There could be no doubt but that he would raise a very considerable revenue by that course alone. The consumption of sugar in this country was at present about 200,000 tons a-year; and that, at 20*s*. a cwt., would bring in a revenue of 4,000,000*l*. Now by the plan which the right hon. Gentleman adopted, he sacrificed about 1,300,000*l*., and he would sacrifice much more, because he thought it would be found very difficult to maintain the scale of duty upon which the right hon. Gentleman meant to rely. But that was not the only instance in which a large amount of revenue was sacrificed on the same principle. The Timber Duties, the Sugar Duties, the Corn Duties, would all form part of their Customs, and would all—if the principle which he recommended were adopted — become solid and permanent sources of revenue, advancing according to the increase of the population of the country. If, however, they resorted to the plan of an Income Tax, and adopted the principle advocated by the hon. Member for Dumfries, namely, that of direct taxation, then they ought to show that an Income-Tax was the most advisable mode in which it could be imposed. He did not think there was any tax so likely to be evaded as an Income Tax. The proposition that the amount of the Income Tax should be fixed by the simple declaration of the party, when brought forward, was rejected on all sides of the House, because it was thought they could not rely on the oath or declaration of individuals throughout the country; and yet, in point of fact, they adopted no other test in ninety-nine cases out of one hundred. He would admit that they had great powers in addition to resort to when necessary, and probably the apprehension of these powers being exercised had a salutary effect in inducing many parties to give an accurate return; but he should deny that, generally speaking, the tax was not evaded; for if it were not, it was perfectly clear that a tax of 3 per cent. on the property of the country would produce much more than three millions a-year. But he confessed when he heard that the tax was administered mildly, he was still more astonished. A case had been brought before the notice of the House, some time since, to which he would refer as an instance of the manner in which the tax was administered. He knew himself cases of extreme hardship and oppression, of the correctness of which, though they did not come under his immediate notice, he had no doubt. He did not wish it to be supposed that he alluded to the conduct of the commissioners or surveyors; but what he stated was, that from the nature of the tax it was impossible that it could be mildly administered. The case to which he meant to direct their attention was that of the hon. Member for Oldham (Mr. Fielden). That hon. Member had returned his profits to the commissioners as *nil.*; but they, notwithstanding, assessed him at an income of 12,000*l*. a-year. Mr. Fielden remonstrated, but the commissioners insisted on their demand, and charged him 350*l*. or 360*l*., as the amount of the annual tax which he should pay on an income of 12,000*l*. The matter was referred to the right hon. Gentleman opposite, who, as might be supposed from his usual courtesy, took some interest in the matter, and, according to the statement of Mr. Fielden, interfered with the commissioners, by requesting them to reconsider their decision. The commissioners, however, did not do so, but persisted in their original determination. Mr. Fielden offered to produce the books of his firm, and to lay his balance sheet and all other accounts before them, showing the profits of his concerns. They, however, would not examine the books, but proceeded to enforce their decision, by a seizure and a sale by auction, of a sufficient quantity of goods to produce 350*l*. He did not think that a tax under which such an occurrence had taken place could be said to be mildly administered. He thought it was a tax which could not be justified, unless an overwhelming necessity existed for imposing it—such a case of necessity as that which had existed when it was originally proposed. When the Minister had, such as in time of war, no leisure for hesitating or adopting other measures, but when he should at once find means for the protection of the country, then, indeed, a Property Tax was an impost to which the Government would be justified in resorting. But when no such emergency existed, he thought it was utterly unjustifiable, especially as long as they neglected to put indirect taxation on a just and equitable basis. If they placed their Customs' Duties on a basis in which they could be most productive to the Revenue, and if they were then found ineffectual in meeting the wants of the country, then, he admitted, they had a right to see whether property should not bear a farther amount of taxation; but, until they did so—until they placed their system of indirect taxation on a just and equitable basis—then he would maintain that the granting an Income Tax to the Minister was in effect giving to him the means of effectually resisting the claims which the trade and commerce of the country had a right to make upon him. With such a resource to fall back upon, the Minister could always resist every demand; since he had the means of supplying any deficiency from other sources of revenue, by some two or three millions of income derived from a Property Tax. He denied that the deficit which would have to be met in 1846 would be as large as the right hon. Gentleman had stated, since he had omitted to take into account two considerable sources of revenue to which he had before alluded. But, even taking the statement of the right hon. Gentleman to be correct, he would wish to hear from him how the surplus which would be in his hands on the 5th of April would be disposed of? There would be a balance of more than five millions sterling in the Exchequer at the end of the financial year, and of that he believed one-fourth would go to the Commissioners for the Reduction of the National Debt; but he would be glad to know how it was intended to dispose of the remainder?

The *Chancellor of the Exchequer* explained, that two millions of the surplus to which the hon. Member alluded would be expended in taking up the Exchequer Bills issued in advance on account of the Opium Compensation, and the remainder would be carried either to augment the revenue for the year, or else expended under the provisions of the Act of Parliament for the liquidation of the National Debt. An account would be taken on quarter-day, and the surplus fund then existing would be carried on to the succeeding quarter-day, and so on to the end of the year, when one-fourth of the balance would be applied to the liquidation of the National Debt. The balance existing on the 5th of September was then on the Table of the House, and amounted to 6,254,000*l.*

Mr. *Hawes* had that Return before him; but what he wished to know was, how the balance of upwards of 5,000,000*l.* which would exist on the 5th of April, would be applied? A portion of it was carried on in the shape of a balance, and was applicable to the public service under the Estimates; so that there would be a certain addition from this source to the Revenue of 1846. There was a certain balance, independent of what the right hon. Gentleman said was applicable to the public service; and, as far as that balance would extend, there could be no danger of any deficiency, even if the House were at that moment to refuse granting the Property Tax altogether; and he wished to learn what the amount of that balance would be. There was another point in the right hon. Gentleman's speech upon which he wished to offer a few remarks. The right hon. Gentleman seemed to take a good deal of credit for the relief which the remission of taxation by the present Government had afforded to the industrial classes of the country, and for the indirect augmentation which had thus accrued to the Revenue. Now, he should say, that when the right hon. Gentleman and Her Majesty's present Ministers came into power, the state of things was singularly fortunate for them. There had been a crisis in the commercial world, and he might almost add in the natural world, for there had been a succession of bad harvests for some years before. But this crisis had ceased; and the opportunity for doing good was, therefore, most favourable. He was perfectly willing to do justice to the Government in the reductions which they had made in taxation; but he denied the great merit of these reductions, or their effect upon the prosperity of the country. On the contrary, there was not a shadow of proof to connect the commercial policy of the Government with that prosperity. He fully admitted that the reductions which had been made in taxation, would hereafter produce beneficial results to the Revenue; but he denied that these beneficial results could be traced, either directly or indirectly, in the income of 1845. The returning prosperity of the country was, he felt convinced, owing to the good harvests with which the country had been blessed; to the stimulus which had been given to commerce by the settlement of the condition of the United States, and by the opening of the China trade; and not to any measures which the Government had adopted or introduced. He believed the Income Tax, and, if he might be permitted to add, the measure of the right hon. Baronet with regard to banking, were calculated to injure rather than to increase the prosperity of the country; and while he admitted that other measures of the right hon. Baronet were calculated to produce advantages hereafter, he should again repeat that he did not think they had been as yet productive of any perceptible benefit to the Revenue; while he considered the Income Tax to be an impost which must of necessity cause material injury to the country, as well to the labouring classes as to those who had to contribute to it. The hon. Gentleman concluded by expressing his intention to vote in favour of the Amendment.

The House divided on the Question that the words proposed to be left out stand part of the question:—Ayes 96; Noes 23: Majority 73.

List of the Ayes.

A'Court, Capt.
Adderley, C. B.
Aglionby, H. A.
Antrobus, E.
Arkwright, G.
Bailey, J. jun.
Baillie, Col.
Barclay, D.
Baring, rt. hon. F. T.
Baring, rt. hon. W. B.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Benbow, J.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Broadley, H.
Broadwood, H.
Brotherton, J.
Bruce, Lord E.
Bruce, C. L. C.
Buller, Sir J. Y.
Busfeild, W.
Cardwell, E.
Carew, W. H. P.
Chetwode, Sir J.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Colebrooke, Sir T. E.
Colquhoun, J. C.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Dickinson, F. H.
Duncombe, hon. A.
Escott, B.
Ewart, W.
Farnham, E. B.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forster, M.
Fuller, A. E.
Gisborne, T.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Gregory, W. H.
Grimsditch, T.
Halford, Sir H.
Harcourt, G. G.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, rt. hon. S.
Hindley, C.
Hope, hon. C.
Hope, G. W.
Inglis, Sir R. H.
Johnstone, H.
Legh, G. C.
Lincoln, Earl of
Lowther, Sir J. H.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Manners, Lord J.
Masterman, J.
Newport, Visct.
Nicholl, rt. hon. J.
Peel, rt. hon. Sir R.
Philips, M.
Pringle, A.
Rolleston, Col.
Russell, Lord J.
Ryder, hon. G. D.
Sandon, Visct.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Somerton, Visct.
Spooner, R.
Stewart, J.
Stuart, Lord J.
Stuart, H.
Thesiger, Sir F.
Vivian, J. E.
Wakley, T.
Wall, C. B.
Wellesley, Lord C.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.

TELLERS.
Young, J.
Baring, H. B.

List of the Noes.

Anson, hon. Col.
Bouverie, hon. E. P.
Buller, C.
Christie, W. D.
Curteis, H. B.
Duncan, G.
Ebrington, Visct.
Hawes, B.
Humphery, Ald.
Marshall, W.
Morris, D.
Muntz, G. F.
Murray, A.
O'Connell, M. J.
Plumridge, Capt.
Pulsford, R.
Rice, E. R.
Sheil, rt. hon. R. L.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Wawn, J. T.
Winnington, Sir T. E.

TELLERS.
Osborne, R.
Blewitt, R. J.

House in Committee.

On the Motion that the blank in Clause 1, be filled up with the word "three,"

Mr. *Curteis* rose for the purpose of proposing that the duration of this Bill should be only for two instead of three years; and he trusted that he should receive the support of a large number of the Members present. He saw several of the free-trade Members around him; and he hoped that they would be induced to vote with him, as no doubt they would be willing to believe that the right hon. Baronet would be able to carry out his free-trade notions within two years; or that the state of the Revenue might be such as to render the continuance of the tax beyond that period unnecessary. He conceived that it was not constitutional to levy this large amount of five millions of taxes additional per annum for three years. He should prefer having the measure only an annual, instead of a triennial one. He believed, however, that many Gentlemen present would rather support him in proposing that it should only be for two years, who would not do so if he proposed that it should be only for one year. He could not help expressing his surprise at the apathetic conduct of the City of London with regard to this tax. Why did the citizens not imitate the example they set with respect to it about thirty years ago, when a petition against it received 50,000 signatures, and otherwise the strongest opposition was manifested against it. The consequence was, that when Mr. Vansittart proposed only a modified tax, he was defeated by a majority of thirty or forty votes in an unreformed House of Commons. It appeared that the City of London had changed their opinion respecting this tax. The right hon. Baronet should, therefore, double it on them. The quiescent state in which the City of London was respecting this tax would, he hoped, induce the right hon. Baronet to do so. He did not oppose this from any party feeling, as he should have done had it been brought forward by the noble Lord the Member for London. As an independent Member he had very much admired the course pursued by the young Members on the Bench occupied by the Member for Shrewsbury (Mr. Disraeli) and his Friends. The hon. Member concluded with proposing that the blank in the clause be filled up by the word "two," instead of "three."

The *Chancellor of the Exchequer* hoped that the hon. Member would not think that he intended him any slight in abstaining from following him, as it appeared to be the general feeling of the House not to enter upon a debate of the details at that stage.

The Committee divided on the question that the blank be filled with the word "two;" — Ayes 17; Noes 69: Majority 52.

List of the AYES.

Anson, hon. Col.
Blewitt, R. J.
Bouverie, hon. E. P.
Busfeild, W.
Butler, hon. Col.
Christie, W. D.
Duncan, G.
Fitzroy, Lord C.
Hawes, B.
Humphery, Mr. A.
Morris, D.
Osborne, R.
Strickland, Sir G.
Tancred, H. W.
Wakley, T.
Wawn, J. T.
Yorke, H. R.

TELLERS.
Curteis, H. B.
Muntz, J.

List of the NOES.

A'Court, Capt.
Adderley, C. B.
Aglionby, H. A.
Antrobus, E.
Arkwright, G.
Baillie, Col.
Baring, rt. hn. W. B.
Barneby, J.
Barrington, Visct.
Benbow, J
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Brotherton, J.
Cardwell, E.
Chetwode, Sir J.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Dickinson, F. H.
Escott, B.
Ewart, W.
Farnham, E. B.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forster, M.
Fuller, A. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Halford, Sir H.
Harcourt, G. G.
Herbert, right hon. S.
Hindley, C.
Hope, hon. C.
Hope, G. W.
Johnstone, H.
Legh, G. C.
Lincoln, Earl of
Lowther, Sir J. H.
Mackenzie, W. F.
McNeill, D.
Manners, Lord J.
Masterman, J.
Newport, Visct.
Nicholl, rt. hn. J.
Peel, rt. hn. Sir R.
Philips, M.
Pringle, A.
Rice, E. R.
Rolleston, Col.
Ryder, hon. G. D.
Sandon, Visct.
Smith, rt. hon. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Spooner, R.
Stewart, J.
Stuart, Lord J.
Stuart, H.
Thesiger, Sir F.
Vivian, J. E.
Wellesley, Lord C.
Wodehouse, E.
Wortley, hon. J. S.

TELLERS.
Young, J.
Baring, H. B.

Blank filled up with the word "three," and clause agreed to.

On the 2nd Clause,

Mr. *Aglionby* thought that some means ought to be taken to insure something like an equality in the decisions of the assessors under this Act, as throughout the whole country the assessors had indulged in all sorts of freaks. In many parts of Cumberland there were pieces of pasture land which were let from the beginning of April to Candlemas-day (the 2nd of February). These lands were put up annually to a sort of auction, and let to the highest bidder; and they were seldom let to the same tenant for two consecutive years. In such cases, it was manifest that the landlord paid all the charges and taxes. The result, then, was that, under this Act, the charge should not be on the gross rental, but on the rental after deducting the assessment under the Tithe Commutation Act and the poor and the other rates. The local assessors, however, determined that the charge should be taken on the gross annual rental; and all relief was refused, although on appeal being made to the Board of Stamps and Taxes, that body declared that the law had been evidently misinterpreted by the assessors. He would suggest that further power than they now possessed should be given to the Board of Taxes, in the shape of control over the assessors. All the power which that Board now had was to recommend or advise, but they had no means of enforcing it. He hoped that the Chancellor of the Exchequer would look into the matter.

The *Chancellor of the Exchequer* had never heard of the present grievance until that moment, but he would look into it.

Mr. *Wakley* said, that instead of increasing the power of the Board of Taxes, he held a proposition in his hand, which he should propose at a subsequent stage of the Bill, to give all the powers under the Act to the Local Commissioners, and to take it away from the Board of Taxes. He, however, had risen for the purpose of pointing out a serious grievance and injustice under the operation of the Bill. It appeared that although a tenant might abscond without paying any rent, yet the landlord was compelled to pay this Property Tax on the rent, although he had not received any. It appeared that in such case the local commissioners had no power of absolving the landlord from the tax under such circumstances; this, he conceived, was a very great hardship. He held in his hand the statement of a case of this kind, which occurred in the Holborn and Marylebone divisions, where a gentleman of the name of Chaloner, residing in the Edgware-road, addressed to the local commissioners a complaint of this kind, and they referred him to the Board of Taxes. On his making an application in that quarter he received an answer, in which he was informed that the circumstance of the landlord not receiving his rent was no ground for the remission of the payment of the tax; for the rent, under the circumstances stated, became a debt, which might be hereafter recovered by the debtor. Now this was a very hard case; and he put it to the right hon. Baronet whether this tax should not be levied in such a manner as to fall as lightly as possible on those who had to pay it. He said this, because he believed that a Property Tax was one of the best forms of taxation which could be adopted in this country, and, above all, if it was on a sliding scale. With respect to the working of the tax, he confessed that, in operation, it had not been so bad as he had anticipated; but when such a grievance as this existed it ought to be remedied. The right hon. Gentleman said, when he proposed this tax, that the most urgent necessity could alone justify the imposition of an Income Tax. As to the tax on Property, he thought it most desirable, as well as just towards the poor, as its existence had enabled the right hon. Gentleman to remove many taxes pressing heavily on that class; but then the right hon. Gentleman should take care to make it as little obnoxious as possible, and not to let it bear unjustly on any one. He would, on bringing up the Report, move a provision to give local commissioners power to absolve landlords circumstanced as he had described, and when they were not likely to receive their rents, from the payment of the tax on such rent.

Sir *R. Peel* would suggest to the hon. Member, as it had already been declared by a large majority, that this tax should continue for the period of three years only, whether it was worth while to make such small amendments. They should, however, in considering a suggestion like that of the hon. Member, take care that while they adopted a proposition with a view to give relief, they did not open the door to fraud. No doubt there might be particular cases in which the demand of the Income Tax might be a grievance, and when the enforcing the payment was not consistent with equity; but in attempting to remove this they afforded opportunity to the commission of fraud. He did not know what the circumstances of the present case were. [Mr. *Wakley:* The tenant was a bankrupt.] Then there was a *bonâ fide* necessity to pay rent; but if they adopted the suggestion of the hon. Gentleman, how easy would it be to evade the payment of the tax by some collusion between the landlord and tenant. He hoped the hon. Member would not press his Amendment.

Mr. *Wakley* said, if the right hon. Gentleman would state positively that he would abandon this tax at the end of three years, he would be the last man to interfere, as he thought that this general financial scheme of the right hon. Gentleman not only entitled him to the confidence of the House, but to that of millions of the poorer classes. He was confident that it was the intention of the right hon. Gentleman to benefit by his measures the poorer classes; but he very much feared that at the end of three years they would be asked to renew it as it was for three years more. Thus they would go on from time to time, without any amendments being introduced into it. If the right hon. Gentleman said that it was his intention to resist all alteration in the Bill, he would sit down, believing that on such questions it would be useless to resist the Government. If the right hon. Gentleman would say that that part of the Bill relating to the Income Tax should be repealed at the end of three years he would not say a word more.

Sir *R. Peel* said, that it was impossible to say what would be done at the end of three years. Perhaps by that time, the people might become so enamoured with the whole of the measure as the hon. Member now was with the Property Tax. In saying this, however, he would state, at the same time, that he did not despair of their being able to get rid of it altogether at the end of three years. If, however, the House of Commons preferred having the Bill for five years, on condition of adopting this Amendment, he would not object.

Mr. *Spooner* had given notice, that he should, in Committee on this Bill, propose four Amendments, to this effect:—

> "Clause enabling persons assessed under schedule D to deduct from the profits of their trade such sum or sums of money as would have been a fair remuneration to persons, not members of their family, for services performed by any member of their respective families. Clause to enable parties assessed under schedule D to deduct poor rates, and other parochial and local rates, paid in respect of premises used by them for the purposes of trade. Clause to enable parties charged under schedules D and E to deduct from the profits of their trade the amount of premiums paid for insurance upon their lives. Clause to authorise deduction on account of certain articles kept for the purposes of trade, though such articles may occasionally be used for other purposes."

He found, however, that it would be more convenient to propose them on bringing up the Report; he should accordingly do so. He regretted that the right hon. Baronet would not assent to alterations being made in the Bill; for as it was on the points which he had mentioned, he knew that many cases of injustice had arisen. He hoped, however, before the bringing up the Report, that the Chancellor of the Exchequer would reconsider the subject matter of his proposed Amendments, and thus get rid of many just grounds of complaint against this measure.

Lord *J. Russell* did not wish to be considered one of those whom the right hon. Baronet opposite supposed to be desirous of continuing the Income Tax without any modification. The tax might be viewed in two aspects—first, it might be thought by some parties that, under the plans proposed by the Government, a sanguine expectation might be entertained that the reduction of taxation they proposed might lead to so large an increase of the Revenue, that at the expiration of three years the Income Tax might be relinquished. He had listened very attentively to the debate which took place before the House went into Committee on this Bill, and he certainly thought that the right hon. Chancellor of the Exchequer had entirely failed in showing there was any probability that at the end of three years this tax could be abandoned. If those three years should be marked by as large a degree of prosperity as they had ever yet experienced, this was hardly probable: but if those three years should be years of commercial depression, there could not be the slightest hope that the tax could be dispensed with. But, secondly, this tax might be imposed for three years with the intention, then, should the revenue be found insufficient, to propose its continuance for two or three years longer. But, if there was a probability that this would be the case—and he entertained a strong opinion that it would be so—he thought that they should endeavour to obviate those inequalities which this tax undoubtedly involved. Seeing the course the Government had pursued, the large and comprehensive nature of their plans for the reduction of taxation, he wished they had carefully and minutely considered how they could alleviate the hardships of the Income Tax, and render its operation more equal as regarded permanent and fluctuating income. But, as the Government had not adopted this course, he felt obliged to the hon. Gentleman opposite (Mr. Spooner) for bringing some of those hardships under the notice of the House. With regard to one of the propositions of that hon. Gentleman, at least, he considered so strong a case could be made out, that he hoped his object would be accomplished, although he must admit there were some practical difficulties in the way. He referred to the third of those propositions, which was to allow persons to deduct from the profits of their trade the amount of premiums paid for insurance upon their lives. He was not aware that the hon. Member for Birmingham (Mr. Spooner) could not propose the Resolutions of which he had given notice in Committee; but he would be ready to support the modifications proposed by the hon. Gentleman when they were brought forward. He regretted that the Government had not proposed some such modifications; for the continuance of the Income Tax for three years longer was now unavoidable, although he thought there would be great danger in continuing that tax with all its objectionable features. The Government were about to give up a large amount of revenue; they were about to make a great experiment, from which they could not recede. It was true that there was not at the present moment a very strong feeling in the public mind against the Property Tax, for the attention of the people had been directed to those taxes which the right hon. Baronet opposite proposed to modify or repeal. Public attention had been diverted from the consideration of the hardships of the Income Tax to those taxes which the right hon. Baronet proposed to remove, and to others with which he had not interfered—such as the window tax and soap duties. But what security had they, if the obnoxious features of the Income Tax were retained, that in a year or two there might not be a strong and general outcry against it? and if, from any circumstance that tax should be repealed, the effect upon the Revenue would be most injurious. He thought, therefore, that Government should endeavour to render the tax as little open to objection as possible.

Dr. *Bowring* said, that he, for one, did not indulge the hope that the Income Tax would be removed at the end of three years; for he believed that public opinion was gradually strengthening the right hon. Baronet opposite in the position he had taken. He (Dr. Bowring) would be glad to see the Property Tax considerably increased, because they might thereby be enabled to alleviate those burdens which pressed principally upon the working classes. It was a delusion to suppose that the Property Tax would cease at the expiration of three years; and he certainly should regret to see the right hon. Baronet retreat from the position he now held. He believed the measures proposed by that right hon. Gentleman would effect a great diminution of public misery, and a great augmentation of public felicity. He had heard some objections made to the removal of the auction duty; but he thought the benefits that would result from the repeal of that tax were not fully appreciated. He. (Dr. Bowring) did not know any tax the collection of which was more costly, embarrassing, or annoying, or which gave rise to more complicated accounts; and he had no doubt that its repeal would enable the Public Service to dispense with the assistance of many hundreds of individuals. He thought it was most honourable to the right hon. Baronet that he proposed the removal of such a tax, more vexatious, and less productive, he believed, than any other. He (Dr. Bowring) hoped that the principle of direct taxation, which had now been adopted, would be more fully developed. He should have been much gratified if the Government had been able to obviate those inconveniences and that injustice which the collection of the Income Tax at present involved; for then this tax might be made—as he believed it ought to be—a permanent source of revenue. The objection which had been in the first instance manifested to a Property Tax had, in his opinion, greatly diminished; and he believed that there was now not only a general feeling in favour of the equity of a Property Tax, but that persons would be ready even to pay a larger tax on property and income derived from permanent sources. He considered, however, that the tax with regard to merely transitory income ought to be abandoned. He thought, also, that Irish property—but not Irish poverty—should be taxed; for he saw no reason, why, if there was wealth in Ireland, it should be allowed to escape fiscal jurisdiction more than wealth in England.

Viscount *Sandon* said, it had long struck his mind most forcibly that the time was approaching when they must look more to direct and less to indirect taxation; and the connexion he had the honour to hold with regard to a great commercial community had tended to confirm this conviction. This country was gradually reaching a position which rendered direct taxation less inconvenient, while indirect taxation became more inconvenient and oppressive. The property of the country was increasing to an enormous extent, and a very small per centage upon that capital would produce a large positive amount. One great objection urged against the Income Tax had been the danger of driving away capital from the country by imposing so large a weight of taxation upon it; but he thought when a tax of 3 per cent. would raise 5,000,000*l.* or 6,000,000*l.*, there was not much danger of capital being driven away; and a tax of this nature enabled them to dispense with a large amount of indirect taxation. It was their duty to endeavour to provide occupation and employment for the labouring classes; and how was this to be effected? By promoting the industry of the country in every possible way. But what was the great obstruction to the progress of industry? The taxes imposed upon every description of manufacture, through the Customs and the Excise. He thought, therefore, that direct taxation was becoming more and more advisable; and he should be extremely sorry if the House pledged itself to abandon the Income Tax at any given period. At the same time there was no doubt that, if the Property Tax were made a permanent source of revenue, some alterations would be necessary. But in making such alterations, hon. Gentlemen must remember that fixed property was subjected to burdens and incumbrances from which other kinds of property were exempt. They must not forget the amount of taxation to which landed and fixed property was liable, and the expenses of repairs and improvements connected with such property, which rendered it less productive than property of other descriptions. Keeping in view the modifications which he hoped would hereafter be introduced in this measure—the increasing property of the country, which enabled them to realize a large amount of revenue by a very small per centage—and the importance of providing employment for their growing population, he thought that the House ought to maintain this tax. Some hon. Gentlemen urged that a repeal of the Corn Laws would be advantageous to the industry of the country, but in that opinion he did not agree; for he believed that by repealing the Corn Laws they would do more to destroy industry than to promote it.

Mr. *Forster* said, since he had had the honour of a seat in that House he had not heard a speech which had given him more satisfaction than that of the noble Lord who had just sat down. He congratulated the noble Lord on the admirable principles he had enunciated, although, in his opinion, the value of the noble Lord's declaration was materially qualified by his concluding observations. He (Mr. Forster) supported the Income Tax—first, because he was in favour of direct taxation; and, secondly, because he was aware that, without its continuance for three years, they could not expect that large and beneficial remission of taxation by which the right hon. Baronet was enabled to compensate them for the Income Tax. At the same time he regretted that the Bill was brought forward in such a shape as to preclude any amelioration or improvement in Committee. He had not heard any complaints against the tax itself, although he had heard many objections to the manner in which it was carried out. The hon. Member for Lambeth had said that he objected to direct taxation, as having a tendency to drive capital out of the country; but he (Mr. Forster) considered that indirect taxation had a far greater tendency to produce such a result. He found there was some technical objection to the proposal of the Amendment of which he had given notice,

> "That the owners or lessees of mineral works, quarries, lime works, and other similar undertakings, now assessed under schedules A and B, be allowed to make their returns in the same manner, and with the same option of privacy, as other trading companies assessed under schedule D."

And he therefore would not press it now, but would renew it on bringing up the Report. He would like to know on what ground this Motion could be objected to.

The *Chancellor of the Exchequer* said, as the Motion was not properly before the House, he must decline making any statement on the subject; but he would say that he could not assent to the proposal of the hon. Member.

Viscount *Ebrington* believed that the numerous taxes levied for the benefit of monopolists had tended to drive capital out of this country, and to injure its manufacturing prosperity. But he could not agree with the hon. Member for Finsbury (Mr. Wakley) that the right hon. Baronet (Sir R. Peel) deserved great gratitude for the benefit he had conferred on the labouring classes. They asked for bread, and what did the right hon. Gentleman give them? They asked for a repeal of those duties which affected the necessaries of life; but in the first Tariff there were no reductions calculated materially to benefit the labouring classes. The reductions proposed by the right hon. Baronet chiefly related to articles used in manufactures. Indirectly, those remissions might be beneficial to the labouring classes; but they certainly were not calculated to benefit those classes directly. He had felt some surprise at the speech of his noble Relative opposite (Lord Sandon). He little thought that Liverpool was so soon to be added to the list of those commercial towns which, by the mouths of their Representatives, would speak out in favour of free trade; but the conclusion of the noble Lord's speech had considerably damped the anticipations he had formed from its commencement. He believed that, abstractedly considered, merely as a question of political economy, direct taxation was more economical, and involved far less difficulty in its collection, than indirect taxation; but he strongly objected to this tax, because it combined all the disadvantages both of direct and indirect taxation.

Mr. *Darby* was aware of the great inconvenience of discussing general subjects in Committees of this description, and he should, therefore, touch neither upon the Sugar Duties nor the Corn Laws, which had been attempted to be dragged into this debate; he only rose to say that he feared the right hon. Baronet at the head of the Government would find himself in a considerable difficulty, if at the end either of three or five years he attempted to bring forward a different Budget; for he thought, from what he had heard in the course of the debate, that the House would force the Income Tax on the right hon. Baronet, whether he would or not. He had supported the imposition of the Income Tax, because he believed there was a necessity for it; but he regarded it as a tax that should only be imposed in times of necessity.

Mr. *Wakley:* Would it not be better, after what has already transpired, that the right hon. Baronet should state whether he will resist every amendment? The right hon. Gentleman will, I am sure, be candid with the Committee, and if it be his intention to resist every amendment, he will save a good deal of time if he will say so at once. That this Bill ought to be amended cannot be questioned; yet if it is to be distinctly understood that the tax is not to be continued beyond three years, I believe that the Bill as it is may be employed very beneficially. But I can tell the right hon. Gentleman that there is an under-current out of doors which is gradually rising and which will at length burst in thunder. A Property Tax is felt to be just, but an Income Tax is objectionable in the highest degree; not, however, in my opinion, in consequence of the way in which it has been carried into execution. I don't think that. I complain of the state of the law, and not of the manner in which it has been exercised. The noble Lord the Member for Falmouth (Lord Ebrington) said that the people "asked for bread." He did not say what the right hon. Gentleman had given them instead; but I know that in a certain Union the people asked for bread, and the noble Lord gave them bones.

Sir *R. Peel:* I should certainly be very discourteous were I to say that I should resist every alteration that can be proposed; but I may tell the hon. Gentleman that I have the strongest impression that it will be consistent with true policy to continue the Bill for the present. But if we admit the hon. Gentleman's Amendment, we shall have a whole host of Amendments forced upon us, which will render it quite impossible for us to conclude our arrangements before the 5th of April. The noble Lord the Member for London states that he shall support the Amendment of my hon. Friend the Member for Birmingham, for the insertion of a clause to enable parties charged under Schedules D and E to deduct from the profits of their trade the amount of the premiums paid for insurances on their lives. But why is that to be confined to profits on trade only? Why is not the clergyman and every one whose income is temporary to enjoy the same privilege? My hon. Friend the Member for East Somersetshire (Mr. W. Miles) is going to propose an Amendment to relieve tenant farmers; and if we admit any of these we shall have claims made by every person who derives his income from temporary sources, in contradistinction to those who derive their income from permanent sources. Without saying, therefore, in an arrogant manner, that I shall resist every Motion, I will say, as courteously as I can consistently with my sense of duty, that I think it right to adhere to the present Bill, and I think that by saying this I may perhaps prevent an immense consumption of time at present. When the "under-current" shall have greatly swelled, which the hon. Gentleman (Mr. Wakley) does not think it will be till the end of three years, then will be the time to consider whether or no the principle of the Bill shall be altered. I hope that the noble Lord opposite will consider this question, —whether, as the Act is to be continued for only three years, this is the time either for the admission or the discussion of small alterations? I think it is not.

Lord *J. Russsell:* If I thought that this Bill was intended only for three years, I should be ready to give the right hon. Gentleman the advantage of it with all its objections; but, as I do not expect that it is a Bill for three years only, after the reduction of taxes that the right hon. Gentleman has made, I am ready to agree to any proposition which, as it seems to me, will make it less objectionable. The right hon. Gentleman says, truly, that if the Amendment of the hon. Gentleman opposite, the Member for Birmingham, is carried, others would be equally desirous to obtain some exemption; but if the principle of the Amendment, which I think a just one, be agreed to, I should then suppose that the Government would take it into consideration, and would say how far the principle should be carried, and where it ought to stop; and that on a future day they would declare their intention to modify the Bill.

Sir *R. Peel:* At an early part of this discussion we were blamed for having contracted so narrowly our surplus. We were told that it was not enough to have a surplus of 100,000*l.* The noble Lord strongly condemned us for having so narrowed our surplus; but, if the noble Lord is going to confine the operation of the Income Tax, that must, of course, still more and very materially reduce our surplus. If the House overrule our Income Tax, the House will, I hope, then at least allow us to reconsider what are the taxes which we should propose for remission and abolition.

Lord *J. Russell:* I think, if I were bound to help the right hon. Gentleman at all in this matter, I should say that if any diminution were made in the Income Tax receipts, he might get his money back by making a more rational proposition with respect to sugar. I do not, of course, mean from money paid into the Exchequer on account of sugar, but from that which it is proposed to devote to the benefit of the West India proprietors.

Mr. *Spooner* was acting, not on the principle of reducing the Property Tax, but of doing justice. Was it fair that a man whose income ended with his life should pay out of it the same sum as the man who left his income behind him? He should persist in moving an Amendment on the first opportunity, and he did hope and trust that the noble Lord would give him his support.

Clause agreed to.

The remaining Clauses agreed to. The Bill passed through Committee.

The House resumed. The Report to be received.

STAMP DUTIES ASSIMILATION BILL.] On the Order of the Day for the third reading of this Bill having been read,

Mr. *Bouverie* said, that the same arguments which had been used with respect to the Income Tax, appeared to have been applied to this Bill; namely, that because it was to be of a temporary character it was not necessary to make it perfect. He could not concur in that argument, for his opinion was, that a Bill imposing taxes, like any other subject of legislation, ought to be made as little onerous to the public as possible. The subject to which he wished to call the attention of the House was a Bill arranging Stamp Duties in Ireland—a Bill which was unequal in its principle, and prejudicial in its operation. Before the English Stamp Acts were extended to Ireland, the Stamp Duties were comparatively light in that country; and he would now call the attention of the right hon. Baronet to the provisions of the Act which it was proposed temporarily to extend to Ireland. In the first place he would remark, that the only just principle which could be extended to the tax upon the transfer of property was, that the amount of the tax should bear a fair and equal proportion to the amount of property transferred. If they looked, however, to the Act 55th George III., the provisions of which this Act continued, they would find that instead of the amount of duty bearing a proportion to the amount of property transferred, it was based on a contrary principle, and was imposed in a diminishing ratio to the amount of property to be transferred. He would, in the first place, refer them to the duty on bonds, which they must perceive would fully bear out the character that he had given of the Act. The duty on a bond not exceeding 50*l.* was 1*l.* or 2 per cent.; on a bond not exceeding 100*l.* was 1*l.* 10*s.*, or 1½ per cent.; 200*l.* was 2*l.*, or 1 per cent.; on 300*l.* the duty was 3*l.*, or 1 per cent.; on a bond not exceeding 500*l.* it was 4*l.*, and it thus went on in a diminishing ratio until it came to 15,000*l.*, and 20,000*l.*, the rate of taxation on bonds for those amounts being 1-10th per cent. only. They had thus imposed a duty of 2½ per cent. on the small bonds, which were used in a great number of transactions, whilst on bonds for such an amount as 20,000*l.* the duty was no more than 1-10th per cent. With regard to conveyances the same principle was applied, the duty on an amount not exceeding 20*l.* being 2½ per cent., that on an amount not exceeding 50*l.* was 2 per cent., and it went on diminishing until the duty on large amounts became so low as seven-eighths, eleven-twelfths, or eight-tenths. With respect to mortgages, likewise, the same principle was observed in imposing the duty; a mortgage for a sum not exceeding 50*l.* being subject to a duty of 2 per cent., for a sum not exceeding 100*l.* 1½ per cent., whilst a mortgage for 20,000*l.* paid but 1-10th per cent.; and there was a fixed duty on mortgages for all sums exceeding that amount, so that it appeared the greater the amount the less in proportion was the duty. To leave the duty on mortgages for great amounts fifty times less than that on mortgages for small amounts was a gross inequality, and it ought to be remedied. His objections, as regarded the inequality of the proportion, would apply to the Stamp Duties in England as well as in Ireland; but there were circumstances connected with the social condition of Ireland which made it particularly desirable that there should be a great relaxation, if not an entire remission, of those objectionable duties. One of the great objects which they should constantly have in view in connexion with the preservation of tranquillity in Ireland, and the improvement of the country, was, that persons should be enabled to obtain small portions of land as permanent property at as cheap a rate as possible; but the Stamp Duties which it was now proposed to continue for a temporary period in Ireland imposed a tax on the person who bought a small quantity of land twenty or thirty times greater than that which was imposed on large transfers of property. It was a very great object in the amelioration of the condition of Ireland that a class of small proprietors should be encouraged, and it could not, therefore, be looked upon as a wise principle to place a greater tax on the small purchases, in proportion, than that which was placed on the transactions involving large transfers of property. Their desire ought to be to encourage persons in obtaining small quantities of land, but this tax had a strong and obvious tendency to prevent that. The principle on which those duties were based was contrary to the just and true principles of taxation, and he thought there were few subjects to which Her Majesty's Government could direct their attention with more beneficial effect.

The *Chancellor of the Exchequer* said, that if he followed the hon. Member, he feared he should be obliged to open up the whole question of the proportion which those duties bore to property in this country as well as Ireland. He would not deny that there were some amongst the Stamp Duties which required consideration; but he could assure the hon. Member that so far as the duties affecting the transfer of land were concerned, he (the Chancellor of the Exchequer) had not forgotten the subject of purchases of small quantities of land in Ireland when he was about to introduce the Bill for the assimilation of the Stamp Duties. When he proposed to assimilate the English and Irish Stamp Duties, he made an exception in favour of land in Ireland. He had applied that exception in the way in which he believed it would be most advantageous to Ireland; for he was aware that the tenure of land in small quantities in Ireland was usually on lives for a term of years. With reference to the general arguments of the hon. Gentleman, he should remark that those duties were imposed upon Ireland as a substitute for the Property Tax.

Viscount *Ebrington* said, that the paucity of small freeholders in fee in Ireland had been noticed by him as productive of difficulty in the government of that country; and he thought that every facility ought to be afforded by the Chancellor of the Exchequer to the establishment of such tenements. Such a class of proprietors would be a great advantage to the country.

Bill read a third time.

House adjourned at half-past nine o'clock.

HOUSE OF LORDS,

Thursday, March 6, 1845.

MINUTES.] BILLS. *Public.* — 1ª· Stamp Duties Assimilation; Companies' Clauses Consolidation; Companies' Clauses Consolidation (Scotland).

PETITIONS PRESENTED. From Society at Truro, for the Adoption of Measures for the Suppression of Intemperance.

HARBOURS OF REFUGE.] Lord *Colchester* said, that he rose, in pursuance of the notice which he had given, to move for an humble Address to Her Majesty to lay before the House a Copy of the Report of the Commissioners appointed in April last to inquire into the subject of Harbours of Refuge. As he understood that Her Majesty's Government would offer no opposition to the production of this Report, he should not occupy much of their Lordships' time in stating why the subject should be laid before their Lordships. It must be well known to such of their Lordships as had turned their attention to the state of the southern coast, that there was not from the South Foreland to Portsmouth, a distance of more than 100 miles, a single harbour capable of providing shelter for vessels of any size, or for men-of-war to lie in, so that they might be able to give protection to any vessels that might be passing by there. Great inconvenience had been felt in time of war, and there had been a great loss of life and property, from the want of harbours of refuge, when ships with Government troops and stores were making their passage from the river. No great work had been attempted to remedy this evil, with the exception of the Plymouth breakwater. A Committee of the House of Commons sat last Session on the subject, and recommended that some measure should be adopted; but said also, that a Commission to inquire into the details of the subject should be appointed by Her Majesty. A Commission was accordingly appointed, and directed to consider the necessity of constructing one or more harbours of refuge in the channel; and to fix on the site that should be chosen. It was required, first, that it should be easy of access at all times of the tide; secondly, that it should serve as a station for armed vessels of war, for the purposes of defence and offence; and thirdly, that it should possess facilities of defence in case of an attack by an enemy. The Commissioners visited all the principal stations on the coast, and collected a great deal of valuable evidence. Their Report recommended large works to be constructed at a very great expense, and the concluding paragraph stated that the Commissioners could not conclude their Report without expressing in the strongest terms their unanimous conviction that measures were indispensably necessary to give to the south-eastern parts of this kingdom harbours to act as a refuge and a powerful naval protection. He entirely concurred in that opinion, and trusted that before the end of the Session Government would take some steps in compliance with the recommendation of the Commissioners. Great inconvenience had been and would still be continued to be felt, if the coast were left unprotected.

Agreed to.

COURTS OF COMMON LAW PROCESS BILLS.] Lord *Campbell* moved that the House should go into Committee on these Bills. There was one Amendment which he wished to make, and that was, that the process should be served on persons residing abroad, either by a British subject, or by a Notary Public.

Lord *Brougham* said, that this Amendment removed part of his objection to the measure. It was known that the Notaries Public in France were persons of high character, and could be trusted; but it might not be safe to repose the same confidence in the notaries of other countries. He would throw out this suggestion —whether a Judge's order should not be required, indicating, having regard to the particular country, in what way the service of the process should be performed?

The *Lord Chancellor* said, that this Bill might have very important effects with regard to the proceedings in Courts of Equity. He therefore hoped that his noble and learned Friend would give him time to consider what the operation of these Bills, in that respect would be.

Lord *Campbell* said, that he would leave it to his noble and learned Friend to name a day.

The *Lord Chancellor* said, that he would name the first day of the meeting of the House after the Easter holidays.

After a few words from Lord *Ashburton*,

The three Bills passed through the Committee, and ordered to be reported the first Sitting Day after Easter.

House adjourned.

HOUSE OF COMMONS,

Thursday, March 6, 1845.

MINUTES.] BILLS. *Public*.—2°· Bastardy; Consolidated Fund (£8,000,000).

Private.—1°· Trent Valley Railway.

PETITIONS PRESENTED. By Mr. Shaw, from Ashnowen, and 4 other places in Ireland, for Encouragement to Church Education Society (Ireland).—By Mr. Broadley, from Land Proprietors and others of Harlthorpe, and 21 other places in the County of York, and by Mr. O. Duncombe, for Northallerton, for Agricultural Relief from Taxation.—By Sir G. Strickland, from Peace Society of Preston, against Increase of Naval and Military Establishments.—By Mr. Brotherton, from Heytesbury, Mr. Pendarves, from Lostwithiel, and 2 other places in County of Cornwall; Mr. Strutt, from Derby (2); Earl of Arundel and Surrey, from Lanfair and 2 other places; and from Dalbeathie (Scotland), for Diminishing the Number of Public Houses.

RAILWAY CLAUSES CONSOLIDATION BILL.] On Clause 20, which allowed railway companies to deviate to a certain extent from the specified line,

Mr. *Darby* said, he entertained great objection to the clause as it now stood. No doubt the same clause had been introduced in all former Bills; but it must be remembered, that the objection to it was considerably decreased when railway projects were few and far between. If the clause were allowed to remain in its present form, a railway company would have power to do what they thought proper with an estate, and deprive the proprietor for an unlimited time of his right of ownership. Still he must admit, if they struck this clause out altogether, and substituted none other for it, great difficulties would arise. They would have one Committee taking one view of the case, and another restoring the clause in its present objectionable form, and thus in many instances the hardship he complained of would be continued. He thought, then, some special clause ought to be introduced; but one more modified than that which the present Bill contained. The next difficulty that had been suggested to him was, that the Bill had been before the public for some time, and all the Railway Acts had been prepared in accordance with its provisions. If, however, the clause were to be so modified as to meet his views, the promoters of these railway schemes would be put to the expense and trouble of serving an immense number of additional notices. Well, but why could not the engineer state in Committee how much land he would require for the purposes of his line? If he were to do this, the difficulty would be got rid of; and then, with respect to future railways, they might now frame and pass a special clause. He was exceedingly obliged to his noble Friend for the course he had taken, in postponing this clause; and he trusted on a future occasion they would be able, in some way or other, to remedy these evils, which, he must confess, from what he had heard, had not been exaggerated, but on the contrary, he thought the facts had been rather understated.

Mr. *Henley* conceived that the House should look at this question in this way. There were now two hundred and forty Bills for Railways before it; and would it run the risk of now making a mass of faulty legislation, which might involve very serious questions as regarded property, merely for the sake of passing those two hundred and forty Bills?

Colonel *Sibthorp* hoped that hon. Members would receive sufficient time for the consideration of this clause before they should be called upon to pass it. For his own part, he would have no hesitation in saying that the clause as it now stood would never give satisfaction to the landowners in this country, for this reason—that it, in fact, meant nothing more nor less than the absolute total annihilation of every estate in the country for the benefit of a few speculators. He should like to know from the noble Lord (Lord G. Somerset) whether he had considered this clause with a view to its further modification.

Mr. *Tatton Egerton:* The great difficulty experienced by all Committees on Bills of this sort was, that sufficient time had not been afforded for a full consideration of such a clause as that now under discussion. In the present instance, however, that difficulty could be removed, by postponing the clause until after the recess; and that interval could be employed by the engineer in endeavouring to ascertain, as minutely as possible, the quantity of land he would require to take up at either side. Another point to which he wished to call attention was, the absolute necessity there appeared to him for the introduction of some general clause upon this subject, in order to remove the difficulty that Committees had to encounter in a special clause in each separate Bill. The noble Lord (Lord G. Somerset) had certainly devoted much attention to this point, and therefore the House should feel much indebted to him.

Sir *G. Strickland* hoped that this would form one of the clauses in a Consolidation Bill, instead of being left to Private Bills; for in its present shape it was a source of the greatest alarm to every landowner in the country. Indeed, he had thought of asking what would their ancestors say, if they could but look up from their graves, and behold the manner in which the estates they had left their heirs had been infringed upon and cut up by those railway companies? He had given this clause his closest consideration; but he felt bound to say, that as it now stood he thought it would be by no means satisfactory. The suggestion of the noble Lord opposite, to reduce the power of deviation from 1,000 to 300 yards—[Lord *G. Somerset:* To 500.] Well, even to 500, was one that would go far to remove causes of complaint; but he thought the House ought to consider what was the smallest possible space to which they should reduce the power of the engineer to deviate, consistent with the facilities necessary for making a railway. For, after all, what was it but a bargain between the engineer and the owner of the land for the purchase and sale of a certain quantity of clay or gravel? Again, he would say, limit the engineer as much as possible, even to one hundred yards.

Lord *G. Somerset* had no doubt, but that by Tuesday next, or whatever day the Committee should adjourn to, this clause would be framed so as to meet the wishes of all parties.

Mr. *Hawes* said, that any course which might be taken must be attended with some inconvenience, if there were not such a clause as that which was contained in this Bill. He was sorry, therefore, that the noble Lord and the hon. Gentleman opposite had consented to the postponement of this clause; and he thought they were taking a considerable responsibility respecting it. He had taken the liberty, when last in Committee, of stating his views respecting the difficulty which was likely to arise from the operation of a clause of this kind. He had done this in answer to the objection of the hon. Member for Newcastle (Mr. Hinde), and he apprehended that the difficulty would be greater from not adopting a clause of this character, than if they did adopt it. The power at present possessed was altogether insufficient for the right direction of engineers. Now, he believed, that it was impossible for engineers to ascertain beforehand precisely what they would require, and there ought, therefore, to be some latitude given to them. They could not always ascertain what land they would require—and, indeed, the opportunity of making the requisite observation was sometimes denied to them. The hon. Member for Lincoln had made an observation to the effect, that if he had seen a surveyor setting a flagstaff on his land, to ascertain what land and which land was required for a railway which would pass through his estate, he would resort to a very unpleasant argument to induce him to desist. [Col. *Sibthorp:* The *argumentum ad baculum.*] Precisely; and he thought, that this was a very likely mode of preventing an engineer from obtaining that accurate information which hon. Gentlemen opposite seemed to require. There were other cases to which he need not refer, but they had occurred only last year, and were sufficiently notorious. They should also remember that the Committees were called upon to report specially to the House; that the power delegated would be specially applied to every Private Bill in Committee, in which the main question ought to be what course a railway should take. Now the power given by this clause was a definite power, and he thought it was better to know what powers were given, if they gave any powers at all. There was no question but that Gentlemen who represented the landed interest were anxious to avoid the inconvenience to which they were subjected by making a railway. Members of the landed interest, it was true, were greatly inconvenienced by the making of railways in many cases. Many other classes were put to inconvenience, but it was the landed interest who, in the first instance, felt this inconvenience; and he must say he thought that, as a class, and it was much to their honour, they had readily conceded their property in most cases for the public benefit. They did, it was true, derive advantage from the making of a railway, in common with all the country; but they were the first to suffer the disadvantage of its construction, and the last to enjoy the benefit when it was completed; and he was, therefore, anxious that their interests should be secured as far as it was possible to secure them. If the clause which they were discussing was omitted, the whole power of granting land for deviation would be left to the Committee, and the whole of the power of the House would be delegated to such Committee. Hon. Gentlemen should recollect that the Committee would exercise its functions judicially, and, as that was the case, it was, in his (Mr. Hawes') opinion, better to know what power they were about to give.

Mr. *Tatton Egerton* said, that the hon. Member (Mr. Hawes) had professed to be anxious to secure the interests of the landed proprietors; but he (Mr. T. Egerton) conceived that the course the hon. Member wished to be adopted was only likely to affect the interests of the large landed proprietors. Now, they were well able to defend their own rights; but it was the small landed proprietor whose interest ought to be cared for. If a small freeholder were injured, as by such a deviation which was required by this clause he was very likely, nay almost sure to be, he had no power of bearing the expense of bringing his witnesses to London, and proving his injury before the Committee. He, therefore, thought that the latitude given by this clause was excessive, and ought to be abridged. He thought that the engineers were able to ascertain with more precision than they were accustomed to do what land they would require; and not take, as they seemed inclined to take, one, two, or three miles for their spoil earth. One hon. Member said, that it was utterly impossible for an engineer to tell until he arrived at any particular portion of the line where his bricks for tunnels, or stone for his bridges, were to be obtained. There might be something in that, but still he thought that it was no justification for giving such extensive powers, and that when a deviation was permitted, notice ought to be given to the small landed proprietors whose interests would be affected.

Mr. *R. Palmer* thought that a clause of this nature ought to be inserted; but he did not think that this was sufficiently precise. They could not tell whether it was a thousand yards or only two hundred and fifty yards that would be required, and he thought that the engineer ought to say what extent he would require. In many cases what was called a temporary occupation was, in fact, and in reality, converted into a permanent one. That was the case with regard to a cutting two miles in length, which the Great Western Railway Company made through his property near Reading. Availing themselves of this power of temporary occupation, they cut through some very excellent land, and left the earth, which spoiled about thirty-six acres, besides making a miserable eye-sore; and although he took legal advice, and was told that he could bring an action to compel its removal, yet as he believed it would be impossible to remove it, he did not think there would be much use in bringing an action. He stated these facts, to show that a temporary occupation was sometimes equal to a permanent one, and he advised the Committee to be cautious in giving such an extensive power.

Clause 20, and the subsequent clauses up to 32, were postponed.

On Clause 32, providing—

"That where a railway crossed any turnpike road or public carriage road, then (unless where otherwise provided by the special Act) such road should be carried over the railway, or the railway should be carried over the road by means of a bridge, of the necessary height and width, to be executed at the expense of the company:"—

Mr. *Aglionby* said, he hoped the noble Lord would consent to insert the word "highways" in this clause, instead of "carriage roads."

Lord *G. Somerset* intimated that he could not agree to the Amendment proposed.

Mr. *Aglionby* expressed his surprise at such opposition on the part of the noble Lord, when a majority of the Committee had the other day decided in favour of a similar proposal. Though the clause was not the same, the principle was; it was that of extending a just protection to the public in the cases to which the clause referred. He knew the noble Lord had said that the effect would be, in all cases, to prevent railway companies from making roads on a level; but that was a mistake; such power was reserved to the Committee sitting on a special Act, to say whether, in particular cases, roads should be made on a level, or whether the public safety could be secured without such a provision. There were many footpaths by which children were accustomed to go to the sea-shore, or other places, for amusement; and where a level road was made for their accommodation; he was told that, in many cases, not even a policeman was placed there to protect the public. He had consulted the agent of one of the largest railways, and also one of the ablest engineers in the country, both of whom told him they had for years felt that the public were not sufficiently protected. He had asked them whether the necessity of having bridges, or conduits, would at all interfere with the progress of the railway business? The reply was, that it would not interfere with it in the least. The public were often driven to use a ladder in ascending and descending when they crossed a railway. He maintained that they ought not to be put to such an inconvenience. If he did not succeed in inserting the word "highways" generally, he should propose to insert in Clause 44, these words:—

> "The company shall make convenient ascents and descents, or bridges over, or culverts under, the railway, where necessary for the convenience of the public."

Another clause which had been suggested to him was—

> "And in those cases where bridges, either under or over, can be conveniently made and are reasonably required, the company shall, on the requisition of two Justices of the Peace, construct such bridges in lieu of such ascending and descending approaches."

The hon. Member concluded by proposing to substitute "highways" instead of "carriage roads."

Mr. *R. Palmer* agreed with the hon. Gentleman on this subject. The case of bridle roads was one well deserving consideration. He should suggest a reference to Justices in the case of footways.

Mr. *Darby* thought that the preservation of the footpaths was of the greatest importance. If there was not something done to compel the companies to make proper ways instead of the paths which they intercepted or destroyed, might they not carry their road across a path, and then make steps in the cuttings on both sides, and leave it to those who used the footpaths to find their way as they could across the rails, even when the train was coming?

Mr. *Henley* approved of the proposition of the hon. Member for Cockermouth. It would be a most valuable improvement to bring every footway before the Committee, as well as every carriage way; as those who used the footways were least able to take care of themselves.

Mr. *W. Patten* thought the Amendment would do no good unless the suggestion of his hon. Friend the Member for Berkshire (Mr. R. Palmer) were adopted. It would be best to leave it to persons on the spot to say whether the footways and bridle ways should be crossed or not.

Lord *G. Somerset* thought that the Amendment would lay down a principle which the Committee would find very difficult to carry out. However, as the sense of hon. Members seemed so strongly in its favour, he would not oppose it. But he would propose, either as a new clause or as an addition to this, a provision such as was suggested by the hon. Member for Berkshire. That clause could not be drawn up in a minute; and he would take time, until the bringing up of the Report, to prepare it. At present, he would not oppose the insertion of the words in the hon. Member's (Mr. Aglionby's) Amendment.

Mr. *Lawson* wished to express his opinion in favour of the Amendment. Foot passengers had just as much right to protection as any other class of passengers. He had seen, on the London and Birmingham Railway, great inconvenience arise from the want of sufficient accommodation for foot passengers. At Harrow, they had to go down steps on the one side, and ascend on the other; and this he thought was extremely injurious to the public safety. He would refer these matters, in the first instance, to two Justices on the spot, and then let them be referred, as other cases were, to Quarter Sessions. At the same time, he wished to give every facility to railways. He was not one of those who wished to offer any vexatious impediments to those great projects; but still he must say the suggestion of the hon. Member for Cockermouth met with his entire approbation.

Clause agreed to.

Lord *G. Somerset* said, he would consider what alterations would be required, and then frame a special clause to meet them as well as the views of the hon. Member. This special clause he should submit to the Board of Trade, and if it were approved of by that body, he would propose it either in the Committee, or on the bringing up of the Report.

Clause 33, providing—

> "That wherever a railway crossed any turnpike road or public carriage road on a level, the company should erect sufficient gates across such road on each side of the railway, and should employ proper persons to open and shut such gates, who in cases of neglect should be subject to a penalty of 40s."

Colonel *Sibthorp* objected to the paragraph in the clause which imposed a penalty of 40*s*. upon officers who neglected to close those gates which were entrusted to them, because he thought it was not sufficiently heavy. Such a course had been adopted by the House, some few years ago, in the case of what are called "public conveniences," but what he thought were "public nuisances." He meant omnibuses. More impudent fellows than those who drove these vehicles could hardly be met with, and when the penalty imposed upon them was only 40*s*., the evil was never abated. When, however, imprisonment was substituted for fine, accidents through the negligence of those fellows became less frequent; and he should like to see the same principle applied in the case of railways.

Mr. *Aglionby* said, another paragraph in this clause went in direct violation of his views. The part to which he alluded made it compulsory for railway companies to build stiles, but said nothing about gates, or men to mind them. Now he wished to establish this principle—that the foot passenger should be protected in the same way as the carriage passenger—namely, by putting up gates; and where it was thought necessary, placing officers to mind them. Were there not hundreds of cases where human life was endangered by the absence of these precautions? Was there to be no gate or other protection at both ends of a footway, which might pass through a populous town, and be crossed by railway? On such footways, men and women, and children were continually passing, and it was no use to say that the publication of the starting and arriving times of the trains was sufficient warning. Therefore, he would say, have a general clause requiring the erection of gates in all cases, and officers where necessary, and then leave to the local justices the detail. He begged to move as in the preceding clause, the insertion of the words "highways" for "carriage-ways."

Lord G. *Somerset* conceived that if the hon. Member's suggestion should be agreed to, it would have the effect of annihilating railways altogether; at least, if a line of any length was to be made, it would be rendered almost useless if it were to be crossed by four or five hundred gates, and men at each, and all to be kept up at the expense of the company. If the hon. Member's Amendment were inserted, it would be found to be so mischievous, that it would be rendered nugatory by the number of exceptions that would be introduced. He conceived that giving the power proposed by the hon. Member to local Justices, more real harm than good would be done the public. On the whole he did hope that the House would not agree to this proposition, and if it should divide upon it he would resist it, for he conceived it would be an ill-advised course to adopt.

Mr. *Aglionby* thought it would be better for the House to admit that it was ill-advised, than that it had been inconsistent. If stiles were to be made, he would ask why not gates also? And, surely, if local Justices were to be deemed competent to decide as to where bridges were and were not necessary, they were equally competent to form a judgment as to the necessity for a gate? On the whole, he was so strongly impressed with the justice and fairness of his proposition, that he would divide the House upon it, for he conceived he would stultify himself by not doing so.

Mr. *Cardwell* did not hesitate to say that if the words were inserted which the hon. Member for Cockermouth wanted, they would have the effect of preventing the Committee from making any alteration whatever. The parties who were to be protected were not the railway parties, but the public. It was not reasonable, in securing the interests of the public, that they should require that 300 or 400 gates, and 300 or 400 gatekeepers should be appointed, when, perhaps, their services would not be required oftener than once or twice in the twenty-four hours. Doing so would be highly expensive to the company, while there would be no adequate benefit to the public; and he, therefore, hoped that the House would negative the proposition of the hon. Member for Cockermouth.

Mr. *Hayter* agreed that if these words were inserted, the Committee would be deprived of the power of making any alteration. He believed that railways were of great advantage to the public; and he should, therefore, protest against the insinuations which had been thrown out against those Members who came down there to render assistance in maturing these projects. Gentlemen connected with the landed interests conceived that all these projects were detrimental to them, and they entertained a jealousy of all those who supported these projects, and thought that their object was some private end, and not the public good. He did not feel that he was actuated by any private end, and he should, therefore, persevere in his course. His object was to do justice, and that should be done to both parties. What was the case? If these gates were erected, two gatekeepers would be required for every single footpath, and thus the company would incur an expense of 100*l.* a year for every one of them; and if there were 300 or 400, the expense would be enormous. In the case of bridle-paths, he admitted that some regulation was necessary, and a clause might be introduced for erecting a proper tribunal for directing the placing of gates; but in the case of footpaths on level ground, he thought they were unnecessary.

Mr. *Wodehouse* protested against the supposition that the landed interest entertained any jealousy of those who supported railways, or of railways themselves. He had lived, during the construction of the Norwich and Yarmouth Railway, very near to it, and he had never sustained the slightest inconvenience from it; and such had been the case with a noble Friend in his neighbourhood. In the case of a special train, the adoption of the suggestion of the hon. Member would cause great inconvenience. In one instance, a physician's attendance was required at Yarmouth; a special train was taken, and in consequence of there being no impediment, he performed the distance between Norwich and Yarmouth in a quarter of an hour, which would otherwise have taken him nearly two hours. With respect to the jealousy supposed to be entertained by landowners of railway projects, he would beg to assure the hon. Member for Wells, that he never was more thoroughly mistaken than in that supposition.

Mr. *Tatton Egerton* thought, in the cases of public roads and highways, these gates were necessary; but that in the cases of footpaths, it would be a needless expense and trouble to the companies.

Mr. *Entwisle* said, the hon. Member for Cockermouth would find that the exceptions to the rule which he sought to establish, would be so numerous as to increase the business before Private Committees, rather than decrease it; and he, therefore, conceived that the adoption of the words proposed would be the very means of defeating the hon. Member's own object. If the expense were increased to the companies, the public in the end would have to pay it.

Colonel *Sibthorp* trusted that the hon. and learned Gentleman would divide the Committee, and he (Colonel Sibthorp) should certainly divide with him. They might talk about expense to the railway companies; but he would wish them to look at the interest of thousands of the public that had been already destroyed. He was exceedingly jealous of the power given to railroads; and he should strongly oppose this clause.

Dr. *Bowring* was quite sure, that the provisions in the Amendment, if agreed to, would only be rendered necessary in a very few cases. The exceptions would certainly much preponderate; for not in one case out of twenty would it be necessary to erect gates and appoint gatekeepers on crossing a footpath.

Mr. *Aglionby* said, that there appeared to have been an entire misconception of his arguments and intentions. His hon. and learned Friend the Member for Wells (Mr. Hayter) had led the House to believe that if the Amendment were agreed to, there would be an end to all railways; and that the Committee on each Private Bill would be entirely precluded from entering into the merits of the various Bills —technically it would be so at present; but he (Mr. Aglionby) had intended, if his Amendment had been carried, to have proposed the insertion in the clause of the words, —" except where otherwise provided by the Special Act." That would assimilate this clause with the preceding one, and would leave the subject perfectly open to the Private Committees. If it would give the Committees additional trouble, he would remind hon. Gentlemen that the public safety ought to be their first consideration; expense, at any rate, ought to be only a secondary object.

Lord G. *Somerset* must still oppose the Amendment. The whole object of the clause under discussion was to secure the safety of the public; and in order to that end, by leaving out the words last mentioned by the hon. and learned Gentleman, it was rendered absolutely necessary that there should be no deviation from the principle laid down in the clause. If the Amendment were agreed to, he could not see that the public would have so much protection as they had at present. The clause under discussion related only to public carriage roads, and to turnpike roads; and whenever they were crossed, it was not denied that ample security was afforded to the public. The 44th Clause related to the crossing of footpaths; and he should think that the hon. and learned Gentleman's Amendment would have come in better there than here. Wherever there was a private right of way which was necessary to be protected, the Private Committee might interfere; and he should have no objection to the introduction of such a clause in the Private Bills.

Mr. *Aglionby* thought that that would answer his purpose.

Amendment withdrawn.

Clause agreed to; as were the clauses to 43 inclusive.

House resumed; Committee to sit again.

House adjourned to five o'clock, and then resumed.

MUSEUMS OF ART.] Mr. *Ewart* rose for the purpose of moving for leave to bring in a Bill to enable town-councils to establish Museums of Art in corporate towns. The merit of the measure was almost entirely due to the hon. Member for Taunton, who had acted with him on the Committee which sat upon the subject. That Committee recommended the establishment of Schools of Design, and, first of all, it recommended the establishment of a central school in the metropolis. It also recommended the establishment of schools in the various manufacturing towns in connexion with the central school. Only one thing was wanted now; and that was, that the central school should be devoted rather to the purposes of a normal school for making masters, than for the purpose of elementary education in art. That was the original design of the school, as his right hon. Friend the Member for Oxford, to whom the country was greatly indebted for his exertions with regard to this subject, would well remember. But that design had not been fully carried out. As yet the central school in London was not a normal school of art; but he trusted that they were making advances towards that more perfect system which existed in foreign countries. Another recommendation of the Committee was, that exhibitions or galleries of art should be established in the various manufacturing and other large towns of the country. It was not intended that those exhibitions should be limited to the temporary purposes of mere ephemeral exhibitions. The Committee were anxious that those museums should contain specimens of antique art, of mediœval art, and of modern art. That recommendation had not been carried into effect, and it was to remedy this omission that the present Bill was proposed. The Committee had hoped that the Government would have assisted, at least by lending its co-operation to those who were willing to form these provincial museums, by obtaining perfect casts of the best specimens of antique and modern works, and distributing them to the various manufacturing towns, to be deposited in their museums. In London such a gallery had been established, but it was by no means perfect. He understood it would be necessary to procure for that gallery new casts of the various works of antiquity. But the object of the present measure was to diffuse these various specimens of art throughout the country; to send them to the museums of Manchester, of Glasgow, of Birmingham, of Coventry, and of all the large manufacturing towns. He asked them to pass this Bill, in order to enable the town-councils to defray the expenses necessary for these museums by the imposition of a small borough rate, so as to admit the population upon the easiest possible terms. Many persons were ready to aid in the formation of these museums, either by the subscription of money, or by presenting them with works of art. It was to encourage these exertions that he ventured to propose the present measure to Parliament. There were peculiar circumstances at the present time which allowed a facility for the diffusion of works throughout the country which had never been enjoyed in times past. By means of their railways they could send casts of improved specimens of works of art to the different manufacturing towns; and it would be the fault of the Government if there was a single manufacturing or large town in the country deficient of a museum of such a character as might give a sound taste in art to the population of that town; and thus enable them to apply the skill they would obtain in the arts to manufactures. He trusted, therefore, that they should see before long the system of schools of design perfected throughout the country, and that the central school in the metropolis would become what the Committee recommended it should be. It was well known that, until the Romans had such an abundance of statues in Rome, that the mind of the people was improved through the eye, they never became aware of the value of the arts; and it was the same with the people of this country. It had been said that England would not make any great advance in the arts, because it was a commercial nation; but he believed, if they adopted the recommendation of the Committee, that, like Venice, the large manufacturing towns of this country would be quite capable of appreciating the value of the fine arts: with this view he called on the Government to assist in promoting this object, and to wipe away the stain that hung upon the artistic reputation of the country. It was indeed a stigma, and he (Mr. Ewart) thought that, in reference to such a reproach, he might employ the words of the poet—

> "Non obtusa adeò gestamus pectora Pœni:
> Nec tam aversus equos Tyriâ Sol jungit ab urbe;"

He had now shortly stated the principles of the subject he intended to bring before the House. He did not think it necessary further to dilate upon it, but would conclude by moving for leave to bring in a Bill to enable town-councils to establish Museums of Art in corporate towns.

Mr. *Wyse* adverted to purposes he had in view when originally advocating the formation of a School of Design in London. He complained that the Government of the day had unfortunately limited itself to that sole object, which for some time continued a merely elementary establishment. Every day more strongly proved the necessity of corresponding institutions in the provinces. Hitherto provincial schools had met with difficulties from want of sufficient contributions; and the Bill of his hon. Friend was intended as far as possible to overcome this obstruction to the final attainment of the object. The managers of the School of Design had not been able, from their limited funds, to do as much as they wished to do; and they thought it might be necessary to call upon the public for contributions; but those who were not acquainted with the fact had no idea of the number of contingencies to which voluntary contributions were liable, and how difficult it was to guarantee the existence of institutions which depended on voluntary support. There were institutions to which individuals were willing to contribute works of art, valuable books, or specimens of natural history; but from the circumstance of there being no building in the locality capable of holding them, those who would have so contributed were obliged to retain, on their own premises, those articles which they would otherwise have given to the public, and thus an impediment was created to the advance of the fine arts in this country. He was anxious with his hon. Friend to provide a remedy for this evil, and he had some years ago introduced a Bill for a similar purpose. In every country in the world, wherever municipal institutions existed, the power sought to be obtained by the Bill which was proposed by his hon. Friend existed, as well as the power of imposing taxation for the physical wants of the community. It was merely a power which enabled the town-councils to act—which invested them with authority—in case the inhabitants were not disposed, by voluntary contributions to adopt the necessary means for the erection of museums, and other similar institutions for the advancement of knowledge and the promotion of art. He had from time to time had communications with scientific and mechanics' institutions, both in this country and in Ireland; and he had found that in all cases they would willingly accept such a boon as that proposed by the Bill of his hon. Friend. He did not expect any opposition to the introduction of this Bill, and he would defer any further remarks upon the subject to a future stage. He would second, with great pleasure, the Motion of his hon. Friend.

Sir *W. James* thought the object which the hon. Member for Dumfries had in view was worthy of the highest praise and the cordial support of all parties in the House. He had visited a mechanics' institution amongst his constituents at Hull, and had been surprised at the taste which the members had exhibited for works of art. His hon. Colleague (Sir J. Hanmer) had presented the institution to which he had alluded with a large collection of classical casts, and their value was fully appreciated. With respect to corporations, as remodelled by the Municipal Reform Bill, he was glad to see that they were becoming anxious to possess collections of works of art. But he remembered that when they were first reformed, most valuable works of art, some of them the pictures of Sir Joshua Reynolds, and others of high eminence, which had been presented to the old corporations, and also antique plate, which had been, in some instances, in possession of the old corporations since the time of Elizabeth, were disgracefully brought to the hammer, and sold by auction. He was happy to see symptoms of a better taste, and, if the improvement went on, perhaps the reformed corporations would send their children to classical schools, where they would become acquainted with the old verse—

> "Ingenuas didicisse fideliter artes
> Emollit mores, nec sinit esse feros."

And perhaps in course of time they would recover the reputation for hospitality of which the old corporations ought to have been proud. He thought the country was much indebted to the hon. Member for Dumfries for the trouble he had taken on this subject.

Mr. *M. Philips* said, the hon. Member seemed to think that some of the town councillors would have no objection to sell their ancestors. As the borough with which he (Mr. Philips) stood connected never had any property, it was not in their power to sell it. He was one of those who advocated everything calculated to promote the taste of the operative classes of the community. After all it should be recollected that it was to them the country was indebted for the carrying out of every design. The great master mind must be called into exercise to produce the design, but it was the operative who carried these designs into execution. It was, therefore, of vast importance that a taste for the fine arts should be developed among the manufacturing community. He thought it was of the utmost importance that a taste for literature and the arts should be encouraged in the rising generation; and that some such proposition as that which had been made by his hon. Friend should be adopted by the House. He hoped, however, that his hon. Friend would give sufficient time for the discussion of the merits of this Bill in the country, to prevent any hasty expression of opinion upon that which was intrinsically good in itself. He hoped, too, that, when the Bill would be carried into operation in large towns, the museums would be opened at such hours and under such regulations as would be advantageous to the working classes. The great drawback on the improvement of the operative classes was, that there was no public institution in existence which they could call their own. They enjoyed no such advantages as operatives on the Continent. Those institutions which were open to the public, the British Museum for example, were open during such hours that the operatives could not take advantage of them. He had great pleasure in supporting the Motion for the introduction of the Bill.

Mr. *Hume* said, there could be no doubt of the importance of the subject; but he hoped that the Motion of the hon. Gentleman would be enlarged, so that power might be given to town-councils, not only to provide museums fit and proper for the purpose, but also playgrounds and public walks for the recreation of the populace. He was glad to find that the efforts which of late years had been made to promote a taste for the fine arts among the people of this country had proved more successful than many persons in that House and out of it had expected. He believed, that as compared with the French, German, and Italian people, the English had embraced and profited by every opportunity afforded them, as far as it was possible for them, of visiting and inspecting works of art; nay, that they had even gone beyond other nations in doing so. At the same time it ought to be observed, to their credit, that they had shown themselves most careful not to injure any of the valuable exhibitions submitted to their view. Should his hon. Friend succeed in getting his Bill introduced, of which he had no doubt, he hoped it would be made to embrace those other objects. In some towns museums were already established, and the town-councils should be empowered to apply any means they might have to the formation of public walks and playgrounds; and the Government could not do better than encourage those things, and thus give the labouring classes employment and occupation, so that they might spend both their time and money in a proper manner. The result of similar experiments in London was, that the people had deserted the public houses, preferring to visit places where they could improve their minds, and refresh and strengthen their bodies. He trusted that Her Majesty's Government would pay due attention to this subject; it would reflect great honour upon them. He cordially supported the Motion for bringing in the Bill.

Mr. *Bernal* said, the manner in which the hon. Member for Dumfries had brought forward the subject did him great credit; but he trusted the hon. Member would not dovetail his plan, but confine himself to one proposition. He thought it was highly gratifying to notice the admirable way in which the people conducted themselves on these occasions; and that, so far as they could learn, the one or two outrages which had been committed in public museums were not perpetrated by any of the labouring classes of the country. No operative, that he was aware of, had been convicted of an offence of this nature; but he believed the outrages which had been committed were perpetrated by persons moving in a superior walk of life. This was the only capital in Europe, he believed, that was without a Museum of Art; and when they saw what was done in a neighbouring country, and the impulse that had been given to a love of the Fine Arts by the King of the French, he thought that they should stir themselves to form a Museum of Art and Antiquities in this metropolis which would be worthy of the English nation. Many of the works of art of the middle ages were going to decay. They all knew the money, the taste, and the activity that were bestowed by the King of the French in the encouragement of the formation of a Museum of Antiquities. Notwithstanding what he had stated that evening of the works of art of the Middle Ages going to decay, still there existed sufficient materials in the country to form a collection of this kind. It was the opinion of all men interested in works of art in this country, that there should be a collection formed of the kind which he alluded to. There existed in the country sufficient materials to form a collection that would be worthy of the country. He would take the opportunity of urging upon the right hon. Baronet opposite the expediency of his bestowing his attention on this subject. The right hon. Baronet was one of the trustees of the British Museum, and the subject was in every way worthy of consideration.

Sir *R. Peel* said: I perfectly well remember the observations which the hon. Member made upon this subject on a former occasion, and I trust that I may say that the matter has not escaped my attention and the attention of the other trustees of the British Museum. We have, of course, received many other suggestions, and it is absolutely necessary that some selection should be made out of the many objects which are worthy of public favour; and however much each of those objects may be worthy of support, of course we can only select those that we conceive of the greatest importance. Now, we have during the recess applied ourselves to the improvement of the Geological Museum, which promises to become of considerable importance; and we hope that we will, during the present Session, obtain the consent of the House to our carrying into effect some arrangement for the purpose of affording the public access to this improved Geological Museum. I agree with the hon. Gentleman in the advantage which the cultivation of the arts is likely to receive from the establishment of these exhibitions; but, at the same time, I advise the House that it is important that they should exercise caution as to how they confer too extensive powers of taxation upon town-councils, for the purpose of establishing these museums. The hon. Member for Dumfries proposes to confer considerable powers of taxation upon town-councils, for the purpose of encouraging the formation of collections of works of art. The hon. Member for Montrose, actuated, no doubt, by the most benevolent purposes, suggests that a portion of this taxation should be applied to the formation of places of recreation for the working classes, and for other desirable objects. But it is necessary to consider what an amount of local taxation this might lead to. Besides, it will be necessary for us, during the present Session, to call upon the House to confer powers of local taxation for the purposes of ventilation, and improving the salubrity of the dwellings of the population. What I would advise is, not to increase to too great an extent the demand on the inhabitants of towns for the purposes of these local improvements. We ought to take care not to raise a prejudice against them by increasing too much the burdens of local taxation. I believe that there would be found a great disposition amongst those who owe their prosperity to manufactures, to remember the obligations which they owe to that branch of the national industry, and to contribute to the formation of those museums. I hope that the hon. Member will not check this disposition by giving too considerable powers of taxation for those purposes. At least, I think that it would be the most advisable course to endeavour in the first instance to raise as much as possible by private subscription. If the town-councils were to tax the inhabitants of the locality for the purpose of carrying into effect the building arrangements, they must in many cases throw the money away. What the town-council should do, therefore, would be to call upon the public for subscriptions to establish the museum, and to say when it was established they would provide, by local taxation, for its continuance. Such a plan would insure the permanency of the museum, and afford a guarantee and an encouragement to the rich and liberal to come forward in order to establish the museum. The same experiment had been tried successfully in respect to the endowment of new churches. Many persons contributed funds for the purpose of raising the sacred edifices when they received an assurance that means would be found for their permanent maintenance. In the same way the town-councils should endeavour to provide by subscriptions for the erection of those buildings, and provide for their permanent maintenance by local taxation. I think, especially at periods when trade and manufactures are in a flourishing state, that there will be many persons willing to make presents for the purpose of carrying into effect those valuable objects. I hope, on these grounds, that the hon. Member will see how desirable it is that these town-councils should not have too large powers of taxation, but that they should endeavour to carry the proposed objects into effect partly by subscriptions.

Lord *J. Manners* said, when he recollected the constitution of town-councils, and their annual elections, he did not think that they would be likely to take any very unpopular course. He approved of the suggestions of the hon. Member for Montrose, and thought it desirable that there should be places provided for the recreation of the people. He would very much wish that the Government could be induced to undertake the proposition, and bring in a Bill for that purpose, and he was sure that every Member in that House would support it. He believed that the people were very grateful for any opportunity given them of visiting public exhibitions, and their conduct in every respect proved it. He was very desirous to see the working classes afforded the fullest opportunity of recreation in the enjoyment of manly and athletic sports; and he believed that every medical authority on the subject concurred in the advantage that was derived from those amusements. He hoped that the time would soon come when in every large town, as well as agricultural districts, means would be taken to afford to the people the opportunity of manly and healthy amusement and recreation. He wished to take this opportunity of adding his testimony to the decorous conduct of the people on every occasion when they were admitted to witness objects of art and curiosity. He was in the habit of living in a large house, in which there was a collection of works of art. He had seen as many as a hundred persons at a time pass through those galleries. He had never seen any injury or mischief attempted, and nothing could on all occasions have been more cheering than the conduct of the people. He was desirous to give his hearty support to the Motion, and he felt convinced that the more facilities that were given to the people in the large towns, and throughout the country, to observe works of art, the more would be done to work out the true civilisation of the country. Before he sat down he wished to thank the Government for the pains they had lately bestowed on this subject. He alluded especially to the works proceeding at Elgin and Glasgow.

Mr. *Brotherton* defended the national character of the people of this country from the imputation that they were not able properly to appreciate works of art, and urged that the experiments made had shown that they both possessed and could acquire a taste for them. He was of opinion, that however useful schools of design were, they were not, in themselves, enough; museums of art should also be established. By a calculation he had made with regard to a large town with which he was connected, it appeared that a tax of one halfpenny in the pound would be sufficient to raise a building which should cost 50,000*l.* The only object of this Bill would be to enable the town-council to erect a proper building; and then it must be left to the voluntary contributions of the people to provide models, statues, machines, and other works of art. In the town of Manchester upwards of 33,000*l.* had been already contributed, and the right hon. Baronet himself had subscribed 1,000*l.* for the establishment of public parks in that neighbourhood. It was much better to cultivate a taste for the arts at the public expense than to raise a large amount of taxation for the prevention and punishment of crime. In Manchester and Salford it cost 40,000*l.* a-year for the support of the police and for other arrangements to check crime and bring criminals to justice. The establishment of institutions of the kind proposed, would withdraw the people from places and habits of dissipation. He was in favour of leaving these proposed museums in charge of the town-councils, they being corporations, and therefore perpetual, not, like trustees, liable to change; the public, therefore, would have more confidence in them.

Mr. *M. Gore* had listened with pleasure to this debate, because it was on a subject of great importance, involving the well-being of the community. It was a wise and sound policy to promote such objects as those which had been suggested; they were calculated to improve the social system, and to render the artisan and the labourer sober and industrious, cheerful and intellectual. With regard to a geological museum, nothing could be productive of more public advantage. The conduct of the people had been noble when advantages of this kind had been offered to them; and this step would tend not only to raise science to a loftier eminence, but at the same time, while improving the morals and purifying the spirits of the people, to extend the basis on which rested the foundation of peace, security and national prosperity.

Mr. *Hutt*, after observing that a misapprehension had gone abroad with respect to the Corporation of Hull, who had not (as was supposed) disposed of any works of art, proceeded to observe, that in the instance of the School of Design at Newcastle nothing could be said to have more completely succeeded. Many hon. Members, perhaps, had seen some of the beautiful works in stained glass produced in that town, chiefly by the pupils in Mr. Wade's establishment. Let the Englishman have an opportunity of disciplining his mind in any art, and he would be found in no respect behind any competitor; indeed, in works of pure art, English productions were, perhaps, at the head of those of Europe. In the school established by Mr. Wedgwood many years ago, articles were produced which were the admiration of every capital in Europe. Articles, also, in steel and bronze had been produced at the establishment of Messrs. Smith, in Sheffield, which were admired by every one who had any taste for the art, from whatever part of Europe he might come. No object ought to be more precious in the estimation of the House than to withdraw the labourer from gross and sensual pursuits, and give him some relish for more refined intellectual enjoyment.

Mr. *Labouchere* said, there had been so little difference of opinion among hon. Gentlemen on both sides of the House who had spoken upon the subject of the proposed Bill, and his own views so much coincided with those that had been put forward by others, that he felt it would be inexcusable in him to detain the House for more than a single moment. But having taken a warm interest in the success of the School of Design, which had been established by his lamented Friend the late Lord Sydenham, who, he should be permitted to add, had conferred a lasting benefit upon the country by its foundation; he felt that the present subject was one which he could not allow to pass altogether in silence. He wished to observe that he considered the measure proposed by his hon. Friend the Member for Dumfries one of the utmost possible importance; and he thought it would be materially promoted by the institution to which he had just alluded, and which was calculated to supply the country with well-trained teachers in the arts. He quite agreed with his hon. Friend that it was most important the inhabitants of the principal manufacturing towns should have an opportunity of seeing models of works of art of the highest class, for without them all attempts at imparting a correct taste must fail. Another argument in support of the feasibility of the Motion could be derived from the fact that all the very best models, consisting of casts from antique statues and vases, happened to be supplied at extremely cheap rates. An instance of the value of having easy access to such models was afforded in the case of Chantry. That great artist, who, it was well known, had sprung from the lower ranks of society, frequently complained of the inconvenience which he had found in early life from the want of any opportunity of educating his eye by the inspection of superior models; and the advantage to the youth of the country of having models of the great works of the ancient masters constantly before them might, therefore, be easily appreciated. No Englishman could travel on the Continent without being struck by the circumstance of finding in every considerable town that he came to a museum, in which the inhabitannts took pride, and in which any object of antiquity, which might exist near the locality, was almost sure to be preserved. The consequence of having such an institution in a place was, that if any of the inhabitants happened to prosper in the world, and to become possessed of some valuable work of art, he almost invariably bequeathed it to the museum of the town in which he and his ancestors resided, and where he expected that his children would continue to live after his death. He trusted that the proposed museums of art would not be confined to the great manufacturing towns, but that they would spread through all the more considerable county towns in the kingdom. He, for one, did not, he should confess, dread, that if a power of taxation for such purposes were given to town-councils, they would spend the money of their constituents in any very wanton manner. He believed that municipal corporations, like all other bodies having the expenditure of the public money, required to be very closely watched, or else that they would be found to spend it extravagantly; but the subject then before the House was not one in which he dreaded that any such wasteful expenditure would take place. The filling of such museums would, even in a commercial point of view, not be found to be a wasteful employment of money, as the contents would at any time be found to repay the cost of their purchase. When they recollected the advantages which France had derived from the admirable schools of design existing at Lyons and other large towns, and which dated as far back as the days of Colbert, there could be no second opinion entertained of the extreme importance to a great manufacturing country like England of encouraging similar institutions. He trusted, therefore, that the subject would be carried out in a proper spirit, and he felt great pleasure in giving his support to the Motion of his hon. Friend.

Mr. *Sheil* wished to call the attention of the hon. Gentleman to the propriety of introducing in his Bill a provision for having the proposed institutions open on Sundays. It was quite manifest that a very large portion of the population of the country could not avail themselves of the advantages which such institutions would hold out to them except on Sundays, and the only objection which he anticipated could be urged against his suggestion was, that there would be many persons employed in the care of the establishments who would require a day of rest as well as the rest of the community; but that might be given them on any other day of the week. Unless that arrangement were adopted, he did not think the measure would produce half the benefit which it might be made to confer.

Motion then agreed to.

PRACTICE IN COURTS OF LAW.] Mr. *Ewart* said he had given notice of another Motion, which he would beg leave slightly to modify in offering for the consideration of the House. It was for a Bill to enable the defendant's counsel in civil, and the prisoner's counsel in criminal cases, to address the jury on the close of the evidence for the prisoner or defendant. If it would be more in accordance with the opinion of the right hon. Gentleman opposite (the Attorney General), he would alter his Motion so as not to move for leave to bring in a Bill, but simply to draw the attention of the House to the subject. He would not have brought the matter forward in its present form, were it not that having had opportunities of communicating on the subject with some of the most eminent lawyers in the kingdom —not only counsel but solicitors — and having heard their opinions on the evil consequences of the present system, he had been induced to press it at once before the House. The mode of proceeding in their courts of law was well known. The plaintiff's counsel opened the case and produced his evidence. The defendant's counsel had then a choice of either calling evidence, after addressing the jury in the first place, and then giving the right to reply to the plaintiff's counsel, or else of simply making his appeal to the jury without producing witnesses, and thus preventing the plaintiff's counsel from speaking a second time. The injustice which was thus done the defendant, in foregoing the right of calling witnesses whenever their evidence was not absolutely necessary for his case, was very great, but it was still more grievous in criminal cases. It constantly happened that rather than subject themselves to the injury which their case might sustain by a reply on the part of the plaintiff's counsel, the counsel for the defendant or prisoner suppressed evidence which they would otherwise be most anxious to produce; and he would maintain that there could be no evil in the practice of the law in this country greater than the suppression of evidence. But there was another grievance also. The defendant's counsel, in his statement, laid an outline of his case before the jury, and then called his witnesses. Those witnesses might establish his case, though not in precisely the form in which he had sketched it out, and he had then no means of redressing the error which had been committed, or of reconciling the apparent inconsistency. But it was not so with the plaintiff's counsel. Any variance between the plaintiff's evidence and the opening statement of counsel could be explained away in the speech in reply, and thus there was not an equal balance between the parties. Another reason for altering the present system was, that there was a variance in the practice of different courts. In the Nisi Prius Courts and the Courts of Assize the practice was such as he had described it; but in the Sessions' Courts it was not so. In them the practice was to allow the defendant's counsel the right to reply; and before Parliamentary Committees the answering counsel had also a power of summing up, which was not granted to him in the courts of law. When the matter had been formerly before the House, they corrected this evil in opposition to the Attorney General of the day, and provided that the last word should be given to the prisoner, and the Bill went in that form to the House of Lords, when it was altered, and two speeches again given to the plaintiff's counsel. Another reason which he might urge in support of his Motion was, that the unequal system of which he complained did not exist in any of the courts on the Continent. Believing, therefore, that the system was unjust—that it was not only unjust but anomalous—as it was not universally adopted in this country—and that it was unknown upon the Continent, he thought he had made out a case at least for an inquiry, though he would not for the present apply to bring in a Bill on the subject. He begged leave to move,

"That it is expedient that inquiry be made whether the defendant's counsel in civil, and the prisoner's counsel in criminal cases, should be allowed to address the jury on the close of the evidence for the prisoner or defendant."

The *Attorney General* said, if his hon. Friend had pressed his Motion as it appeared on the paper, he would certainly not, with the limited time which he had to consider the subject, have been prepared to assent to the bringing in of a Bill containing so important an alteration in the administration both of civil and criminal justice in this country. He was not, however, prepared to say, that it was not a case deserving consideration. No one could have practised long as an advocate, and not have felt, at times, the great disadvantage under which the counsel for a defendant laboured, in not being able to address the jury after the evidence was given. The speech of the defendant's counsel was necessarily made before the witnesses were examined; and his case, therefore, very frequently could not be presented with the same force and clearness as it might be after the witnesses were heard—and his counsel had not the opportunity of explaining any apparent discrepancy between the evidence of the witnesses and the opening statement; but while he felt these disadvantages of the present system, it was not easy to suggest an alteration that might not be productive of perhaps greater evil than that which they wished to remove. His hon. Friend had confined himself to the case of the defendant; but he seemed to forget that if the alterations which he proposed were adopted, the plaintiff would be in the position from which the defendant was relieved. If the defendant called no witness at present, the plaintiff could have no right to reply; and he would therefore have no opportunity of speaking after the witnesses were examined. The only fair course would seem to be, that the plaintiff should open his case and again speak after the evidence; and that the defendant should do the same, and the plaintiff reply. He admitted the practice at the Quarter Sessions' Courts and before the Committees of the House of Commons to be what the hon. Gentleman had stated. The practices in these instances would be for the plaintiff to open his case, and when his case had closed, then the counsel for the plaintiff addressed the jury. The defendant's counsel then stated his case, and if he called witnesses, the counsel for the defence again addressed the jury, and the plaintiff's counsel had a right to reply. There would thus be five speeches in every case in which the defendant went into evidence. That was the practice which formerly existed in the Courts in Westminster Hall; but he believed the inconvenience arising from it was found to be so great, that an alteration into the present system was introduced. Though the practice for which his hon. Friend contended, existed in Committees of that House, he believed his hon. Friend had been himself a Member of a Committee by which it was recommended that a different system should be introduced. That Committee recommended that counsel for the Bill should be first heard; that after he had closed his case, counsel against the Bill should be heard; and that if he then called witnesses, the counsel for the Bill should have a right to reply; but there should be only three speeches allowed. He felt the force of the difficulties which presented themselves to his hon. Friend; but still he could not say that he ever knew, in all his experience, the present system to be in the slightest degree detrimental to the ends of public justice. He believed that inconvenience might be caused under it in particular instances; but he did not think that its operation was generally injurious. If the proposition of his Friend were adopted, it was clear that the same indulgence should be extended to the prosecutor in criminal cases; and that at the close of his evidence the counsel for the prosecution should have a right to address the jury upon it. As his hon. Friend did not persist in his intention of applying for leave to bring in a Bill on the subject, he would not enter further upon it, but would take the liberty of suggesting that the question might be referred to the Commissioners who were now employed in considering the criminal law of the land. He believed the names of those individuals were a sufficient guarantee to the House that the subject would be properly dealt with by them, as there could be no Gentlemen found who were more experienced or more likely to come to a sound and practical decision. The reason he suggested the reference of the subject to them was, that they would be sure not only to report on any alteration that they should think advisable to have made in the system now in operation; but they would also enter into the details of the alteration, which it was very important should be known to the House before any ulterior steps were taken. It would be also desirable that the House should be put in possession of the opinions of those most able and practical men on such a subject. He begged, therefore, to throw out the suggestion to his hon. Friend; and he was sure, if the Motion were withdrawn, that the Government would be found willing to give its aid in bringing the question in a proper shape before the Commissioners.

Mr. *Ewart* said, his object was merely to draw the attention of the House to the subject. He was perfectly satisfied with what had fallen from his right hon. Friend, and he would beg leave, therefore, to withdraw his Motion.

Motion withdrawn.

SALE OF THE HAFOD ESTATE.] Mr. *Hume* said, in the absence of his hon. Friend the Member for Coventry (Mr. Williams), he would, if the House permitted him, bring forward the Motion of which his hon. Friend had given notice. He had come down to the House with the intention of merely seconding the Motion, as he did not think it was a subject on which any discussion should take place until the Papers were before the House. He would therefore beg leave to move for—

"Copies of all Surveys and Valuations of 7,438 acres 36 roods of land belonging to the Crown, adjoining to the Duke of Newcastle's Hafod Estate, in Cardiganshire, which has been sold to his Grace by private contract for 1,049*l.* 15s. 9*d.* by Her Majesty's Commissioners of Woods, Forests, and Land Revenues, as stated in Appendix, No. 2 (A), in the said Commissioners' Report for 1844."

The Earl of *Lincoln* said, he had great ground to complain of the hon. Member for Coventry for the course which he had felt it to be consistent with his duty to take upon that occasion, in having absented himself from the House when he should have brought forward the Motion which had been just made by the hon. Member for Montrose—a Motion which, in his estimation, not only did imply, but was evidently meant to imply, a case of grave corruption against him in his official capacity. The hon. Member, however, after having placed that Notice upon the Books, sought to deprive him, as far as it lay in his power to do so, of the opportunity of hearing the charges that were brought against him, and of refuting them in his place in Parliament. That opportunity was, however, now afforded him, through the means of the hon. Member for Montrose, to whom he begged to tender his best thanks for having placed himself in the position of the hon. Member for Coventry, and for having brought forward, unsolicited by that hon. Member, the charges which he had himself shrunk from sustaining. Were it not for the kindness of the hon. Member for Montrose, he should have been deprived of the opportunity of answering those charges—an opportunity of which he was most anxious to avail himself. Before entering into the case, he wished again to express his conviction that a more unfair or a more improper course than that taken by the hon. Member for Coventry could not possibly be conceived; for not only was the character of a public servant valuable to himself, individually, but it was also of importance to the public at large, who were interested in his integrity; and, therefore, when an insinuation such as that contained in the Resolution before the House was either made, or, as in the present case, implied, it was most necessary that the very earliest opportunity should be afforded to the party affected by it of offering any explanation in his power to make. He did not complain of the hon. Member for Coventry for having put that Notice on the Books; but he complained of him for not bringing it forward. He knew in his own conscience that he had executed his public duty, not only in that, but in every other instance, so as to leave him perfectly free from any imputation such as that which the Notice of the hon. Member sought to cast upon him. He did not complain that the hon. Member for Coventry should on that, as on other occasions, have cherished suspicions such as he entertained for all the acts of the Executive, but he did complain that that hon. Member was not there to state his suspicions to the House. Having made these preliminary remarks to the House, he would next proceed to the facts of the case. Though the hon. Member for Montrose had suggested that the Papers should be laid upon the Table before any discussion would arise upon them, he was sure the hon. Gentleman would forgive him if he did not attend to his suggestion; but if he proceeded to show that when the Papers were produced, not only he, but even the hon. Member for Coventry himself, must admit that no grounds whatever existed for the insinuations which were put forth respecting the transactions referred to. It would appear from that Notice that a contract had been entered into between him, as the head of the Board of Woods and Forests, and his father, the Duke of Newcastle. Such was not the case. The former possessor of the estate of Hafod was a Colonel Johnes. He did not know in what year that gentleman died, but during his lifetime a claim had been put forward by the Crown of certain rights over a portion of the estate, which he considered belonged to himself. There was every reason to believe that this claim of the Crown could be justified, but no arrangement had been come to; and after the death of Colonel Johnes, the estate remained in the hands of his devisees. In the year 1832, the devisees came to the determination to dispose of the property, and it was accordingly attempted to be sold several times by private contract, but without success. The devisees then determined to put up the estate to public auction; and before doing so they thought it necessary to clear up the differences respecting the rights of the Crown which had been put forward, as he had already observed, on frequent occasions during the lifetime of Colonel Johnes, as well as after his death. They accordingly made a proposal to the Commissioners of Woods and Forests of that day for the purchase of the rights of the Crown. After considerable negotiation, commencing during Colonel Johnes's lifetime, and continued by his devisees after his death, it was agreed that a survey and valuation of the lands should be made on the part of the Crown by Mr. Morgan; and a second valuation was made by Mr. Adam Murray, a gentleman well known as a most experienced valuer of land—on the part of the devisees. These valuations took place in 1832, in which year the contract had been entered into between the Crown and the devisees. He need not say that the Duke of Newcastle had nothing whatever to do with this contract, as his treaty for the purchase of the estate did not commence for a long time after, when he purchased the Hafod estate subject to this contract. The valuation by Mr. Morgan showed a result of 8,061 acres, valued at a sum of 1,098*l.* He thought he saw some hon. Gentlemen opposite smile at the trifling value set upon so large a tract of land, but he would presently explain what the rights were, and that would explain the amount of the valuation. It should also be recollected that the valuation by the Crown was made under an Act of Parliament, which required that the valuator should be sworn as to the truth of his return, and the valuation by Mr. Morgan, which he then held in his hand, was subscribed as having been duly sworn. Mr. Adam Murray's valuation estimated the land at the same quantity, and the amount of the value of it at 652*l.* These double valuations did not, however, bring the matter to a conclusion, from the circumstance that, without reference to the amount of the valuation, Col. Johnes's devisees continued to dispute the right of the Crown, as Col. Johnes had done before them. However, having in 1832 determined to put the lands up to sale by auction, they thought it better even to make a sacrifice of their rights to a certain extent, in order that all difficulty in the way of the sale might be removed. He had then in his hand the Report of the Commissioners of Woods and Forests, signed by Lord Duncannon and Sir Benjamin Stevenson, recommending to the Lords of the Treasury that the rights of the Crown over the 8,061 acres should be relinquished for a sum of 800*l.* He had also the Order of the Treasury, signed by Lord Nugent, Mr. George Ponsonby, and Mr. Francis Baring, three of the Lords of the Treasury, and bearing date the 29th of September, 1832, authorising the sale of the lands on those terms. He wished in the next place to draw the attention of the House to the conditions of sale which were published at the time. One of these conditions, the seventh, was as follows:—

> "A claim having been made by the Crown to part of the estates, as waste lands belonging to the Crown, which, in the event of an inclosure, would entitle the Crown to a portion of the same lands; such claim was lately compromised by the vendors, and all the alleged rights of the Crown over such waste lands have been absolutely sold and transferred to the vendors; but subject to a reservation by the Crown of the mines and minerals (if any); but which it is believed do not exist under such waste lands; and the vendors, therefore, stipulate that no objection shall be made on account of such reservation, or any alleged rights of common."

The date of this is just prior to the former Treasury warrant; but no doubt hon. Gentlemen were aware, that in such cases, after application to the Treasury, the warrant of the Treasury authorizing such arrangements was sometimes issued subsequently to the sale. The sale was advertised on the 6th of September, 1832. To render it still more clear that the Duke of Newcastle had nothing to do with this arrangement, he should state that the estate was not bought at the auction room, but some time subsequently. The estate was put up by Mr. G. Robins, but was afterwards sold by private contract. A difficulty then arose, first on the part of Col. Johnes's devisees, and subsequently on the part of the Duke of Newcastle, the purchaser, on account of there being no boundaries marked to the estate. There was some irregularity in this part of the proceeding, he was bound to admit, on the part of the Office of Woods, the contract having been entered into without any boundaries being defined, and without there being any plan of the estate whatever. Of course, their solicitors could not make out the title nor complete the sale, nor would the solicitor for the purchaser enter into any negotiations till that fault was remedied. For four years subsequently to this demand on the part of the Crown, no plan was furnished by the Office. Still, further negotiations went on, the Duke of Newcastle, as Col. Johnes had done before him, maintaining that the Crown had no title to the lands whatever, and that if he paid anything whatever to the Crown, he should be paying twice over for the estate. A plan was at length produced. It was then found that the estate was 7,438 acres, instead of 8,061, as had been stated; and, of course, the Office of Woods and Forests made such proportionate abatement in the price demanded as the purchaser was entitled to, which was 62*l.*, and that sum was deducted, and the price then demanded from the Duke of Newcastle was 738*l.* This sum, so demanded, was paid in August, 1843. But how stood the case? As the hon. Gentleman would perceive from the notice given, instead of 738*l.* being paid, the sum paid was 1,049*l.* 15*s.* 9*d.* That sum was made up in this way:—Although the Office of Woods and Forests was in fault with regard to not furnishing the plans, and thereby stood in the way of the completion of the purchase for four years, he (the Earl of Lincoln) had required the Duke of Newcastle, before the completion of the purchase, to pay interest on the purchase-money from the time of the contract, at the rate of 4 per cent. for ten years. He was ready to admit that he believed this in almost any case might be considered what was vulgarly called rather "sharp practice;" but finding that that had been very much the spirit in which the whole transaction had been pursued throughout the prior negotiations, he was determined, for his own satisfaction, and for the satisfaction of his father, that not the slightest deviation from the arrangement which had taken place before should be made. However, under other circumstances, and with other individuals, he might have been disposed to re-open the case, in order to make a more favourable and equitable adjustment, he told his father it was necessary, whilst he (the Earl of Lincoln) remained at the Office of Woods and Forests, that he should either complete the purchase on those terms, or not at all; and, of course, the alternative would have probably been, that the property would have been sold with a lawsuit, or the sale would have failed altogether. His father thought that he had been hardly used, but at last agreed to the conditions, because he was in the same situation as Col. Johnes's devisees had been ten years before, and was about to sell the property; and therefore he was anxious, by completing the title as fully as possible, and removing all doubts, to make it the more marketable. He not only paid 738*l.* for the claim, but 311*l.* 15*s.* 9*d.* interest, being nearly one-half of the whole value of the property. An hon. Member had smiled when he mentioned this sum, and he had stated that he would mention what these Crown rights were, supposing them to exist at all. He believed that they had existed formerly; at the same time he must say, that very considerable doubt rested over the whole transaction. The Commissioners of Woods and Forests maintained that the Crown was lord of the manor, and that Col. Johnes and other freeholders had simply rights of common over this waste. If such were the case, the way in which Col. Johnes became the possessor of the property was this;—he was the most powerful freeholder, and he gradually drove off all the minor freeholders and kept them off the manor for a period of twenty years, and thus precluded the rights of the commoners to the land, although sixty years were required to debar the Crown's rights. If the Crown had any rights at all, they were simply rights of soil. The Crown had no power even to plant a tree or to place a goat there, as the whole of the pasture belonged to Col. Johnes, and afterwards to the Duke of Newcastle: the Crown, therefore, had only a nominal right, unless mines and minerals had existed there, and the right to minerals was not sold to the Duke of Newcastle, but was specially reserved. The Crown never did previously to this sale and never could receive a single farthing from the property; and the only right of the Crown was this, that in the event of inclosures being made (and any one who had seen that district, which he had not, would acknowledge that a more improbable event could hardly be conceived), the Crown would be entitled to one-twentieth part of the inclosure. That accounted for the smallness of the sum at which the property was estimated by the sworn valuer for the Crown, and by the valuer for the devisees, if the oath of the valuer for the Crown were not thought a sufficient guarantee. He, therefore, maintained, and every Gentleman would agree with him, that even if this had been an original transaction between the Commissioners of Woods and Forests, with himself at the head of the Board, and his noble father, a case more clear from suspicion could not be. But even that was not the case. His father had nothing to do with the contract; the contract was entered into with other parties, and his father purchased the estate subject to the contract, which the Crown had the power to enforce, as his father maintained always, most unjustly and unfairly. He thought he had clearly shown to the House that this property was worth nothing for possession, and that it was simply worth something for sale, in order to establish a complete title where a doubt existed. The whole sum received, therefore, was clear gain to the public, as the public could never receive anything in point of rent or anything whatever from the property. His opinion had always been, and it was the opinion of others, that the Duke of Newcastle had some cause to complain; but he was certain of this, that neither the House, nor the public, nor the hon. Member for Coventry, had cause to complain of this transaction. He was perfectly ready to produce every document, and should be most anxious to produce every document; when a charge of this sort was brought against a public servant, his character should be thoroughly cleared. He should be most anxious to lay on the Table of the House every letter. He had consulted the solicitors upon it, and had urged upon them the necessity of doing this; but they had assured him that the mass of unimportant documents was so great (as many as two or three letters a week at one time passing between the solicitors on each side) that it would fill one of those large blue books which were sometimes laid on the Table of the House, and he was therefore unwilling to put the country to the expense of that mass of paper, which nobody would read; but he would produce every paper in his possession, the surveys, the valuation, the contract which appertained to it; and he would produce the conveyance from the Office of Woods and Forests to the Duke of Newcastle, the Reports of the Commissioners of Woods and Forests to the Treasury in 1832, and the Treasury warrant of 1832. He believed that these documents, without giving the papers which passed between the solicitors on each side, would elucidate this transaction; but if not, if there were the smallest doubt about the matter, he hoped the hon. Member for Coventry would state it in the House, and that the House would permit him to do what he should be very unwilling otherwise to do—to lay on the Table of the House this mass of papers, showing every turn and twist of this transaction. He was perfectly certain that the mind of the hon. Member for Coventry, suspicious as it might be in transactions of this nature, would be quite satisfied; and if that hon. Member had any feeling of honour or fair play—and in the latter of these respects he (the Earl of Lincoln) thought he had some cause to complain of the hon. Member — he would come forward and state that the documents which he (the Earl of Lincoln) should lay on the Table of the House had cleared him completely from those imputations on his character, which the Notice which he had placed on the Books of the House had been so well calculated to throw upon it.

Mr. *Hume* could not hesitate for a moment in rising to say that he was perfectly satisfied, as he was sure the House must be, with the statement o the noble Lord, for a more complete explanation he had never heard. But after the statement of the noble Earl, and after the documents which he had produced of these proceedings, from the period when Lord Duncannon was at the head of the Department to the present day; it was impossible for any man at all acquainted with the sale of property of this nature not to mark the accuracy and regularity of the whole proceeding, and that now not the least doubt could remain on the subject. He thought, after this, that he should be acting most disingenuously if he allowed for one moment that these Papers should be produced. He was sure that the noble Lord, with his usual candour and firmness, would admit that he was pleased with the opportunity of making this explanation, and was quite confident that after it no one could entertain any doubt on the subject. He conceived that no blame was attached to his hon. Friend the Member for Coventry, for, having seen the statement of the fact without explanation in the Report of the Commissioners, he had shown it to him, when he (Mr. Hume) remarked that it appeared somewhat irregular; the consequence was that his hon. Friend had given notice on the subject. He would only repeat that he was most happy to have heard the manly and candid statement of the noble Lord, and after this explanation he should be very reluctant to have any document on the subject laid on the Table. Having made the Motion, he should now move for leave to withdraw it, merely adding, that so far from any blame being attached to the noble Lord, that he had most completely exonerated himself from the slightest suspicion.

Mr. *Shaw* wished to state, before the Motion was withdrawn, that it had been mentioned to him in the early part of the evening by his hon. Friend the Member for Lymington, that he had occasion to look into into the matter when the property was offered for sale, and he was convinced that if this claim of the Crown had been exposed for public sale, it would not have produced 20*l.*

The Earl of *Lincoln* said, he hoped, although it was not altogether regular, that he should be permitted to make an observation. He wished, in the first place, to express his acknowledgment to the hon. Member for Montrose for the course that he had adopted. He privately had sincerely thanked him for having taken the place of the hon. Member for Coventry and brought forward this Motion, and he now again thanked the hon. Gentleman most sincerely for the expressions which he had made use of towards him. He hoped, notwithstanding the general cheers from both sides which had taken place at the proposal to withdraw the Motion, and which showed that the House was satisfied with his explanation—he hoped that the House would, more in satisfaction to his own feelings, than for any other reason, not agree to the withdrawal of the Motion. He only requested therefore the hon. Member to leave out the last words of the Motion, "for copies of all correspondence relating thereto," and if hereafter the hon. Member for Coventry should wish for that return, it should be produced.

Mr. *Hume* observed that if such was the wish of the noble Lord he was bound to assent.

The Motion as restricted was agreed to. House adjourned at eight o'clock.

HOUSE OF LORDS,

Friday, March 7, 1845.

MINUTES.] BILLS. *Public.*—1$^{a.}$ Jewish Disabilities Removal.

3$^{a.}$ and passed:—Constables (Scotland).

PETITIONS PRESENTED. By Duke of Buccleuch, from Dunblane, for Improving the Condition of Schoolmasters (Scotland).—By Duke of Buccleuch, and Marquess of Normanby, from Bristol, and Guardians of Bury Union, for the Adoption of Measures for securing to populous districts a Cheap Supply of Water, and for perfect Drainage, Sewerage, etc.—By Lord Brougham, from Amlwch and Brechin, for the Suppression of Intemperance.—From Stranraer and Isle of Skye, in favour of the present system of Banking (Scotland).

THE IRISH CONSTABULARY AND THE ARMY IN IRELAND.] The Marquess of *Normanby*, in bringing forward the Motions of which he had given notice, said that, having most unwillingly declined postponing his Motion beyond that night, after having, on a previous occasion, consented to let it stand over till now, he would wish to give some explanation of his reasons for his refusal. The ground upon which he had been asked to postpone his Motion was the absence, from indisposition, of two noble Lords who had read over the Papers, and who would be prepared to answer him. Neither of those noble Lords, however, had a direct official or departmental connexion with the subject, and he had by postponement given ample time for some other Member of the Government to make himself equally acquainted with the circumstances of the case; were he to defer his Motions, it would be equivalent to a postponement until after Easter. The first of these Motions was for—

> "A Return of the Appointment of the Deputy Inspector General of Constabulary in Ireland in the room of the late Major Galway, with the recommendations of the Inspector General (if any) on which that Appointment was made."

What he (the Marquess of Normanby) wished to obtain was, an assurance from the Government that that should not again occur which had occurred in this instance relative to the appointment of the Deputy Inspector, which amounted to this, that the recommendation of the Inspector General had been utterly set at nought, in defiance of a distinct understanding between all parties both in that and the other House of Parliament—Certainly, there was no one from whom he would so gladly receive such an assurance as from the noble Duke—[The Duke of *Wellington:* But you won't have it!] It might be very well for the noble Duke to lay down the course he intended to take, before he had heard what remarks he had to make on the subject; but, with every respect for the noble Duke, he (the Marquess of Normanby) would not be deterred by such a proceeding from bringing forward the statement he was about to make. What he was about to state, when he was interrupted by the noble Duke, was, that he should rejoice at receiving such an assurance from the noble Duke, because from no man in that House could he expect a greater regard for the good faith of a Parliamentary understanding. When he (the Marquess of Normanby) recollected that a gallant officer had undertaken the arduous duties of the post of Inspector General, with a distinct engagement from the Government of the day, and an understanding that under all circumstances that engagement should be kept,—and when he remembered that the successors of that Government not only had concurred in that arrangement, but had been parties to it, and had even orignated it in the other House of Parliament, and that that arrangement had been concurred in by their Lordships in Committee,—then he must say, he had hoped to hear from the noble Duke an assurance that that which he could not but consider as setting at nought a Parliamentary understanding, should not again occur. When he recollected, too, how important were the services of the Constabulary Force in Ireland, and the high position and character of the Inspector General, he must express the astonishment he felt at the slight put upon that distinguished officer. Lately, their Lordships had meddled little with the affairs of Ireland, and he felt it necessary to request their attention to the nature of the Constabulary Force there. It might be termed unique in its character: it fulfilled its duties most efficiently, but those duties were beset with difficulties, demanding superior qualifications on the part of members of the corps. In respect of discipline, number, and appearance, the Constabulary Force was almost a standing army. At the same time, it was dispersed in small divisions over the country, and often some of its inferior members were called upon at the spur of the moment to exercise difficult and delicate duties. Nor was that all. Every member of the corps was expected not only to have the usual qualification of reading and writing, but to have the capacity to make reports which might be used in courts of justice, and even be called for by Parliament itself. If, in addition to these things, their Lordships remembered the nature of the country in which this force had to act—that the members of it, disciplined as they were, and dispersed over the country, were the citizens of a free constitution, natives of the poorest country in the world, and one of the most remarkable for political agitation—when they remembered, too, the changes that had taken place of late years—they could not account for the respectability and efficiency of the Constabulary, except by referring it to the completeness of its internal organization, and to the skill and respectability of the chief under whom they were organized; and he felt that the position of the Inspector General of such a force was worthy of the best consideration of Parliament. In the first year that he assumed the government of Ireland, his attention was directed to making some fresh regulations for the force; towards which, from the change of circumstances since its original constitution, and notwithstanding the pains that had been taken by those who had preceded him in the office of Lord Lieutenant, there was a considerable party feeling: the Constabulary was, in short, at that time, very unpopular. It was necessary, therefore, to make a revision of the force, and to remove the ill feeling against it, but at the same time to take care not to give a party character to a measure that should be adopted. The Bill introduced by him in 1836 was brought in with those objects; and he, in connexion with the Government of the day, was most happy in being able to offer the chief position in the force to Colonel Shaw Kennedy, with regard to whom there was but one feeling, that he would discharge his duty not only most efficiently, but with perfect freedom from political bias. One fact connected with his appointment was, that as there were many new appointments to be made, and he was unconnected with Ireland, and to a great extent with Irishmen, it was determined that the Government should receive recommendations from other sources besides himself, but that the fitness and capacity of persons to serve in the corps should be submitted to him; and Colonel Kennedy understood, that from the moment he became the head of the force, every individual who became a member of it was to look to him for his future promotion. He (the Marquess of Normanby) could bear testimony to the energy and zeal evinced by Colonel Kennedy in organizing the corps, and making the rules and regulations for its government. But it unfortunately happened that Colonel Kennedy mistook his position, in thinking he ought to exercise a control over the stipendiary magistrates — that they ought to report to him—and that the stipendiary magistrates ought to be from members of the Constabulary Force recommended by him to the Government. In short, his view of his position was rather that he should be a kind of Minister of Police. That became a point of difference between the Colonel and the Government of that day; and he (the Marquess of Normanby) did not regret that he had stood out upon it, because he felt, that while it was his duty to combine under one head all the officers actually in the force, so as to make that body complete as an Executive force, it was at the same time indispensable that the Inspector General should not be mixed up with the appointment of judicial officers like stipendiary magistrates. The local magistrates acted with the stipendiary magistrates; and as the former made their reports to the Government, why should not the latter do the same? At that time, Colonel Kennedy had furnished him with the grounds of his resignation on a paper which he had read to him, but of which he had never retained a copy. This, however, had afterwards been read to a Committee of their Lordships' House, sitting on the state of Ireland, and from this they would perceive, that there was only one case mentioned in which his recommendation had not been attended to as to promotion; and this having been explained as originating in mistake, Colonel Kennedy expressed himself satisfied, but persevered in his resignation on the other grounds detailed by him. He (the Marquess of Normanby) much regretted this—he felt the difficulties of his position — as any officer recommended by him or the Government would be considered a partizan. He had at that time near him Colonel Yorke, who had been his private secretary from the time of his appointment as Governor of Jamaica, and who of all men would have filled the vacant post with efficiency and credit; but at the same time, on account of that gallant officer's connexion with him (the Marquess of Normanby), he felt a delicacy in selecting him for the appointment. But he also knew Colonel M'Gregor, who had served in his father's regiment, and who was well known for his gallant conduct on the occasion of the burning of the *Kent* East Indiaman, and whom he had also known in command of a regiment in the West Indies, where he was almost the only officer who succeeded in keeping up the discipline of his regiment without having recourse to corporal punishment. At the time Colonel Kennedy resigned, Colonel M'Gregor was not on the spot, being at Halifax in command of the 93rd regiment, and, as might be imagined, it was not a very pleasant thing to keep a situation of such importance vacant for two months; but such value did he attach to the services of Colonel M'Gregor that he submitted to that inconvenience and considered himself repaid, when he heard that the Colonel had accepted the offer of the appointment. Colonel M'Gregor was examined before a Committee of the House of Lords as to the nature of his control over the constabulary; and their Lordships would find in the Report, that that gallant officer had informed the Commitee that he had accepted the office on the distinct understanding that, although the original appointments should remain vested in the hands of the Executive Government, yet all promotions of all the superior officers, should rest upon the recommendation and responsibility of the Inspector General. Now, with respect to the recent appointment, he had heard it said that the office of Deputy Inspector was too high and important to be determined by the recommendation of the Inspector General. What! When the Inspector General had to appoint, as it were, his *alter ego*, the man with whom he was constantly to confer and advise, and ask his opinion on points of difficulty and in emergency — was it then to be said, that the Government, who did not pretend to be acquainted with exact details, or with the particular merits of individual officers, should say to the Inspector General that the office of his Deputy was too high and important to be left to his recommendation in regard to the person to be appointed to it; and so deprive the principal of an advantage at the moment, and in the precise case when it was most necessary to him. Now he wished to say one word as to the hon. Gentlemen whose names had been mentioned in reference to this appointment. The gentleman recommended for the office of Deputy Inspector General by the Inspector General was Mr. Brownrigg—one who had been connected with the Constabulary Force for about twenty years, having been in 1826 brought under the notice of the Irish Government by the late Sir Henry Torrens, the Adjutant General to the Irish Government, as a person who had distinguished himself by the faithful discharge of his duties in the recruiting service. Mr. Brownrigg had likewise been selected by Colonel Shaw Kennedy as the person to assist him in framing the rules and regulations in the Constabularly Service upon its reorganization, and had afterwards received a letter from him, in which the latter spoke very highly of his qualifications and abilities. It therefore, did require some explanation, in order that the House might understand why this gentleman had been passed over by the present Government, notwithstanding, as he assumed, the recommendation of Colonel M'Gregor. He (Lord Normanby) begged to state that he had had no communication on this subjuct with Colonel M'Gregor, and also that in bringing it before the House he was uninfluenced by any political feeling, as he knew nothing of Mr. Brownrigg's politics —at least, all that he did know would lead him to suppose that Mr. Brownrigg's politics were the same as those of the present Government, and opposed to his own. He had nothing to say against the character of Major Priestly, the Gentleman appointed; but he was decidedly of opinion that the Inspector General's recommendation ought not to have been overlooked. It should be observed, that the military rank of the parties had nothing whatever to do with the case, as in that case length of service in the Constabulary, which must check the usual course of military promotion, would be a disqualification. Having stated the understanding upon which these promotions were to be made, and upon which Colonel M'Gregor had accepted the post of Inspector General—he would now go to the introduction of the Bill into Parliament, and refer their Lordships to what was then said by the highest and the lowest official authorities. And first he would refer to what had been said by Sir Robert Peel as the highest authority. The right hon. Baronet, on the 18th of February, 1836, said—" He, however, would suggest that when appointed to the head of the force, Colonel Shaw should have the appointment of all the officers employed under him, and for whose conduct he was responsible." That was the opinion of Sir Robert Peel. But another Gentleman also spoke in that debate, to whose opinion, in regard to this particular question, a degree of importance was to be attached, greater probably than would be accorded to it on other topics. Mr. Lucas, now Under Secretary for Ireland, addressed the House, and it appeared that he had a great horror of Castle patronage, for he entreated the House to remember that the Castle had an enormous amount of patronage, and then, after protesting against the transfer of the appointment of the constables from the local Magistrates to the Government, Mr. Lucas concluded by saying that—

> " He meant no disrespect to His Majesty's Ministers, or to the noble Lord opposite; but he for one could not consent that the appointment of the police force, on which depended the tranquillity of Ireland, should be hung dangling round the neck of any Chief Secretary of Ireland."

The phrase used by Mr. Lucas was rather an extraordinary one — that Gentleman now no longer indulged in figures of speech in Parliament, but filled the office of Under Secretary in Ireland, and whether he now allowed the patronage to be " hung dangling " round the neck of even an Under Secretary—whether these appointments were now made substantially by Mr. Lucas, or whether they were made ostensibly by him, but really by Mr. Brewster—he did not know. Neither did he care whether this appointment was a legacy left by the noble Lord who was lately Lord Lieutenant of Ireland, although it only made the case worse, that one no longer responsible should exercise patronage of this kind. But he would contend that the Irish public, and such of the English public too as paid attention to these subjects, would be convinced that such patronage would be more efficiently and impartially exercised if left in the hands of Colonel M'Gregor than it would be in the hands of either Mr. Lucas, or Mr. Brewster, or any one of those who now occupied the principal situations in Ireland. If ever there was a moment when it behoved the Government to attend to the recommendation of an old and trusted public servant, in regard to such an appointment, it was when a new Lord Lieutenant was appointed. He wished to obtain a distinct opinion from the House upon this change in the principle of the appointments, which, he must say, had disturbed that feeling of confidence in the pure distribution of patronage in the Constabulary Force which had greatly contributed to the peaceful condition of Ireland; and if he did not succeed in getting such an assurance from the Government, he should submit to the House, sooner or later, whether there ought not to be a change in the system. He had given notice of another Motion for this evening, which was for " a Return of the Number of Her Majesty's Army serving in Ireland on the first days of January from the year 1835 to 1845, both inclusive." As he was on his legs, it might be might be more convenient for him at once to make the few observations he desired to offer, instead of troubling their Lordships a second time. He did not think that the forbearance which it was his desire to maintain as to the line taken by Government with respect to Ireland, had in some quarters met with the return it deserved. He had read, with great regret, a speech delivered at his election by a right hon. Gentleman, now a Member of Her Majesty's Government. For that right hon. Gentleman, he (the Marquess of Normanby), in common with all who knew him, entertained feelings of sincere personal regard; but there were statements in the speech alluded to, which it was absolutely impossible to pass over without notice. The present Secretary at War, at his election for South Wilts, was reported in the *Times* of the 21st of February, to have said, " When the present Government came into office, they found that country (Ireland) in a state of agitation and excitement almost amounting to rebellion, and tending to the dismemberment of the Empire." He (the Marquess of Normanby) felt himself particularly bound to give the most direct contradiction to that statement, inasmuch as for six years previous to that time he was himself, first as Lord Lieutenant, and then as Home Secretary, particularly responsible for the tranquillity of that country. He would not say that it was an overcharged statement, but that there was not the slighest ground for stating anything of the kind. He was quite sure the right hon. Gentleman must have made a mistake as to date, and when he spoke of an approximation to rebellion, alluded to what occurred at a later period. He regretted the absence of the Earl of St. Germans on this occasion, as, although he had felt compelled in the earlier part of his observations to become the noble Lord's accuser, there was as to this part of the case no one whom he would have sooner called as a witness in his behalf. He remembered that at the time of his retirement from the Government of Ireland, at the request of Sir R. Peel, he had had an interview with the Earl of St. Germans (at that time Lord Eliot), Earl De Grey, and Sir James Graham, on their coming into office. If Ireland were then in the state described, it must have been either his fault or his misfortune. If it were his fault, it was natural to suppose that these right hon. Gentlemen would have been, of all things, desirous to avoid him; if it were his misfortune, the first subject of discussion between them would naturally have been the unfortunate state of Ireland, and the measures to be taken to remedy it. But during the whole interview, it never seemed to enter the minds of those right hon. Gentlemen that Ireland was in the state now supposed, and he had never seen any persons depart with greater certainty of a quiet life than did those noble Earls and the right hon. Baronet. But if the right hon. Gentleman the Secretary at War would refresh his memory, he might recollect how very long after the country had enjoyed the advantage of the change to which he referred; it was when as Secretary to the Admiralty, he had been obliged to re-establish a naval station at Cork, and to provide against consequences with men of war and extra complements of marines. He (the Marquess of Normanby) was as strongly opposed as any of their Lordships to the mischievous doctrines of repeal, being assured that it would do as much harm to Ireland as to this country; but when he said this, he could not but regret that a right hon. Gentleman, the proprietor of half Dublin, should, on taking office under the Crown, show so bad an opinion or so little knowledge of that country with which he was so beneficially connected. The right hon. Gentleman had in this imaginative mood addressed his most favoured dependants, the moonrakers in Wiltshire. He regretted to say anything disrespectful of the inhabitants of that worthy county, in the presence of the Lord Lieutenant (his noble Friend the Marquess of Lansdowne); but noble Lords knew the origin of the legend from which they derived the name of moonrakers, and the right hon. Gentleman must have appealed to an amount of credulity worthy of the reputation of the moonrakers, when he represented Ireland as having been found by the present Government on the verge of rebellion. The right hon. Gentleman proceeded to say, "Without asking for additional laws, and trusting to the established power they already possessed, the persons who had excited that agitation had been punished." He did trust that this had been said from mere inconsiderateness at the moment. He was sure the right hon. Gentleman must regret the assertion that those individuals had been punished, when their Lordships, sitting as the highest court of judicature in the country, had decided that they were unjustly sentenced; and when, probably, at the very first Cabinet Council that right hon. Gentleman attended after his return from the election, he must have heard his noble and learned Friend on the Woolsack proposing the Bill (for Bail in Error) now before their Lordships, and stating that it was necessary to prevent on future occasions the recurrence of that injustice of which the right hon. Gentleman had so indiscreetly boasted as a triumph. He thought there could be no better test of the tranquillity of Ireland, than the fact that the number of troops sent by the late Government to that country, was thought sufficient by the Government which succeeded them for eighteen months afterwards. He hoped the noble Duke might be able to state something which would quiet the minds of the people of Ireland on the subjects respecting which he had spoken; but if he did not get a satisfactory answer, he should certainly bring the question before their Lordships in another shape. With respect to the last Return moved for, it would be as well if, for the reasons he had stated, the right hon. Gentleman to whose department it was addressed, should study its details a little before he forwarded it to the House. As to the first, though unimportant in itself, it related to a question on which, as he thought, not only the efficiency but the just public estimation of that important force, the Constabulary of Ireland, for the future depended.

The Duke of *Wellington:* My Lords, I have first to apologise to the noble Marquess for having been guilty of the irregularity of interrupting him, by stating that I was not authorised to make the declaration which he supposed I might be authorised to make. I thought, if I so stated at once, that seeing all those noble Lords were absent whose presence the noble Marquess expected at the discussion, when he gave notice of his intention to bring it forward, probably the noble Marquess might consent to postpone it to some future time; more particularly as he has ended by telling us that, as my noble Friends the late Secretary for Ireland, and the noble Earl late Lord Lieutenant of Ireland, are not here this evening, it is his intention to bring this question under the consideration of your Lordships at a future period of the Session in another shape. Really, under these circumstances, I hoped that, since I had informed the noble Marquess I had not had an opportunity of considering these Papers, he would have refrained from bringing it forward now. It was my intention to consider them at the time the noble Marquess gave his notice, but I could not do it. Subsequently, between the 22nd of February and the 3rd of March, when the noble Marquess had some communication with my noble Friend the Secretary for the Colonies upon the subject of this Motion, and the period at which it was likely the noble Marquess would bring it forward, I was in such a situation that I could not attend to any public business. Under those circumstances, on Tuesday I expressed an entreaty to the noble Marquess that he would be so kind as to put off the Motion until the period at which my noble Friends could attend, inasmuch as they had taken charge of the subject, and had perused all the documents upon it; and I hoped that he would have acceded to that request. I have considered it my duty since last Tuesday to give my best attention to the subject, which is one involving great detail. There are Acts of Parliament to be perused, Proceedings of a Committee, consisting of not less than three folio volumes, relating to the subject, and I have taken great pains to make myself, as much as possible, master of it since the day at which I have been able to attend to it. I am very sorry that my noble Friend the Secretary of State, the noble Earl late Secretary for Ireland, who may be supposed responsible for this question, and my noble Friend the late Lord Lieutenant of Ireland, have not been able to attend this evening, for I am sure any one of them would have been better able than I could possibly be to give an explanation of this subject, and your Lordships would have listened to them with greater satisfaction; while the noble Marquess must also feel that, bringing forward a question of this description, it is desirable he should have antagonists who have had an opportunity of making themselves masters of it. When the noble Marquess, some weeks ago, gave notice of his intention to bring forward this question, he stated to your Lordships that he had no complaint to make as to the qualifications of the gentleman who has lately been appointed by the Lord Lieutenant to fill that situation. He has repeated something of the same sort this evening, gone so far as to express his friendship for him, and stated that he had considered it proper himself to appoint him to a high situation in the Constabulary. There is, therefore, no complaint against the gentleman himself. I beg your Lordships to bear that in mind, for it is essential to the just consideration of this question. There is no complaint against the gentleman who has been appointed to fill this situation; he is an officer of rank in the military service of Her Majesty; he has served in the Constabulary, and, as I will show your Lordships, he merits the approbation of his country and the confidence of Government for his actions in that country. I repeat what I said before—there is no complaint whatever against this gentleman; on the contrary, the noble Lord approves of him, appointed him to a high situation, and there is nothing whatever to be said against him. Now, my Lords, the Lord Lieutenant has in this appointment exercised a power vested in him by the Act of Parliament. The noble Lord does not deny this; if he does, I'll bring forward the Act. If there is any doubt about it I will have the Act. The Act of Parliament gives the Lord Lieutenant the power of making these appointments. [The Marquess of *Normanby:* I stated that distinctly.] But the noble Lord says there was an understanding that those appointments were to be made, not by the Lord Lieutenant at his own selection, but at the recommendation of the Inspector General. Now, my Lords, by whom was this understanding come to, and when, and where? It is true there may be a regulation between one Lord Lieutenant and this or that Inspector General that certain recommendations for appointments shall be made by the Inspector General; but I should like to know when and where there was an understanding that the Lord Lieutenant was not to exercise the powers given him by Act of Parliament? I say that Act confides to him powers which it is his duty to exercise—I say it his duty to exercise those powers; and, my Lords, it is his duty to exercise them when and where he thinks proper, in spite of any understanding that may be come to. But I deny the understanding—I deny that any such understanding as that stated by the noble Marquess exists. I deny it; and not only deny it, but I do so on the acts of the noble Marquess himself. The noble Marquess himself was the Lord Lieutenant under whose auspices the Bill was introduced into Parliament. The noble Lord who was the Chief Secretary to his Government was the Member of Parliament who introduced the measure in the other House. Its chief object was, that all the appointments which had theretofore been made by the magistrates in Ireland, should in future be made by the Lord Lieutenant; and the understanding which was come to on that occasion, and the only understanding which was ever come to, was, that the appointment of the police constables and sub-constables, theretofore made by the magistrates, should be made by the Inspector General. It was stated that it was desirable that he who was to command and regulate the conduct of the men should nominate them; and, accordingly, the Inspector General was to select the policemen in Ireland. He does it, as I understand from the examinations before the Committee, at the recommendation of certain magistrates and others in the county. They are required to have certain qualifications; but the understanding seems to have been, that he was to have the original appointment, and that he was to make those appointments which had been just before made by the magistrates and constables. If your Lordships will look at the records of the discussions in Parliament on this subject, you will see it particularly stated that it was deemed desirable by Ministers that the appointments in the Constabulary Force in Ireland should be regulated on the plan on which the Metropolitan Police Force is regulated. Now, my Lords, how is that force regulated? The officers at the head of that force nominate all the inferior classes, and make the usual promotions of the officers of the force; but did anybody ever hear of the higher officers, of the superintendents and inspectors, such as Captain Mayne, being appointed by the chief officers of the force? No, my Lords, they are appointed by the Secretary of State; and that is the very description of appointment to which this gentleman has been named. But let us see how the noble Lord himself, who talks of this understanding, executes his office on this understanding. Read the account of Colonel Shaw Kennedy's evidence on the very matter of these appointments. This Act of Parliament gives certain appointments of inspectors, paymasters, and others, to the Lord Lieutenant. Did the noble Lord appoint the persons recommended by Colonel Shaw Kennedy to those offices? I ask him if he did? [The Marquess of *Normanby:* Yes; except in one instance, and in respect of the appointment of stipendiary magistrates.] No, no; I am not talking of stipendiary magistrates—I am talking of promotions to be paymaster, deputy inspector, and other officers of that description, recommended by Colonel Shaw Kennedy. The noble Lord did not appoint the persons so recommended. What becomes, then, of the understanding? I say, no such understanding existed; and if it did, I want to know what became of it, seeing the noble Lord's own acts—he himself having been the person under whose auspices the Bill was brought in, being the first person to carry the Act into execution, and to carry into execution this very understanding? But, my Lords, I will go a little further. Is there an understanding that all appointments and promotions of officers are to be upon the recommendation of the Inspector General? Why, the very first arrangement made after the appointment of Colonel M'Gregor was, that the office of head-constable, that above all others desirable to the police sub-constables and constables, was limited, if not taken away from him; he is to recommend one from every three vacancies, while the other two are to be appointed by the Lord Lieutenant. What, then, becomes of the understanding? There is an understanding which proposes that the Inspector General should hold out anticipations to every man in the corps that he will be promoted, and may arrive at the highest ranks. There is an understanding, says the noble Marquess, purposely for that object: what becomes of it? Why, that two-thirds of these promotions are taken into the hands of the Lord Lieutenant, and become part of his patronage; one-third is in the hands of the Inspector General, which he is required to give to the most deserving man. That is a mode of acting on this understanding. But I deny the understanding. I say that the Lord Lieutenant has the right, if he choose, to make all these appointments. All I desire is, that I may not be called upon, by consenting to this Motion, to criminate the Lord Lieutenant wholly on the ground of an understanding which does not exist, and never did exist in the way stated by the noble Lord, and which, even according to the terms on which it is stated to have existed, has been violated by the noble Lord himself and his successor. The noble Marquess admits the Lord Lieutenant has a right to make this appointment; there is not a word to be said against the gentleman who has been appointed; and therefore you cannot call upon the Government to give an account of the recommendation without interfering with the legitimate functions of Government, nor can you enter into such a comparison as was made by the noble Marquess between this gentleman's merits and those of Mr. Brownrigg. I have no doubt the latter is a highly-deserving gentleman; but I maintain that this House has no right to enter into that comparison, if there is no complaint against the gentleman who has been appointed; and, moreover, it is quite contrary to the usages of this House to enter into such comparison. My Lords, I will not quote from the books before me to prove what I have stated; but I think I have sufficiently shown that there was no such understanding as that alleged by the noble Marquess; that the noble Marquess's own practice was totally contrary to it, as well as that of the noble Lord who succeeded him; and, therefore, that there is no ground whatever for the Motion. Upon these grounds, I entreat your Lordships to negative the first Motion of the noble Marquess. With respect to the second, I confess I do feel it extraordinary that the noble Marquess should have thought proper to have founded such a Motion in this House upon a speech made by a Member of Parliament to his constituents at his election. That speech never attracted my notice; I had no notion it was to be the ground on which the noble Lord meant to call for these Returns, else I should have taken care to inform myself of the particular grounds that existed for the notions entertained by my right hon. Friend when he made that speech. But it appears that my right hon. Friend in that speech adverted to the state of Ireland at the period at which Her Majesty appointed her present servants. Does the noble Lord mean to say that there was any want of meetings in 1840 and 1841? If he denies it, I shall be able to show him that there were plenty. I think I can show him a list of not less than a dozen in each of those years. Were there no speeches at those monster meetings? No speeches by foreigners? No foreigner attending those monster meetings, the law supposing them to be for the purpose of considering petitions, while the word petition was never mentioned by any accident at any one of them, but much declamation against the constituted authorities of the country? Foreigners present, money collected in foreign countries to promote the objects of these meetings? And yet we are to be told that the country was in a state of tranquillity, and a Member addressing his constituents at an election is not to say that in the years 1840 and 1841, that country was not in a state of tranquillity! My Lords, let us call things by their right names. I must say, that if the state of Ireland in the years 1840 and 1841, is to be called tranquillity, I do not know exactly what tranquillity is. With respect to the Returns asked for, I have not the least objection to give them. But I should like to amend the noble Lord's Motion by calling for other Returns, showing what was the number sent away from Ireland in the same years as those to which his Returns refer. Perhaps, the best way of amending the Motion would be, to have those troops in Ireland on the 1st of January, and the number subsequently sent elsewhere. I think the noble Lord will find the number sent away nearly equals those retained. It is hardly necessary for me to remind your Lordships that, both in this country and in Ireland, no forces are kept up but such as are absolutely and essentially necessary to recruit the force employed abroad to guard the Foreign possessions of England, and protect the lives and property of Her Majesty's subjects in her Colonial possessions. The other regiments remain here no longer a time than that necessary to recruit and re-equip them; and at this moment there are some about to be sent from this country which have not remained in England during the period which it is admitted they should. In these Returns the noble Lord will find nothing to criminate the Government or the Secretary at War, or any person connected with the Army, with respect to the tranquillity of Ireland, or to falsify the description given by my right hon. Friend in his speech on the occasion alluded to. As the noble Lord has thought proper to make two Motions, I can only say, that to the second I have no objection, but that I hope your Lordships will give a negative to the first.

Earl *Fortescue:* I wish to address your Lordships very shortly, the state of my voice not permitting me to tresspass on your attention long; but as some of the observations made by the noble Duke implicate me as well as my noble Friend with reference to the "understanding" stated to exist on the subject of constabulary appointments, or rather constabulary promotions, and as I think the noble Duke has been led into a misconception of Col. Kennedy's evidence, and of the complaint he made, that the undertaking entered into on his taking command of the Constabulary Force was not complied with, I hope I shall be excused for offering a few remarks in reply. I can only testify as to what I found the state of things to be when I assumed the government of Ireland. I took no part in the discussion of the Constabulary Bill, and had no knowledge of it except that derived from the usual sources. On the introduction of that Bill on the 13th February, 1836, the following expressions are attributed to the right hon. Gentleman at the head of Her Majesty's Government. He said,—

> "He, however, would suggest, that when appointed to the head of the force, Col. Shaw Kennedy should have the appointment of all the officers employed under him, and for whose conduct he was responsible. He believed it to be of the highest importance that the police force in Ireland should be kept perfectly free from the influence of party animosity and party excitement. The appointment of police officers, therefore, was a trust which, if honestly administered, he thought had better be intrusted to the hands of the Representative of the Crown, than to any local authority. But he made that admission on the assumption that the trust was to be administered with perfect honesty. If it were otherwise—if the power conferred by the trust were perverted to other purposes, and were employed to gratify party animosities, or to confirm political advantages—then he should say the efficiency of the Bill would be totally destroyed. He thought that the noble Lord should adopt the same rule in Ireland as had already been adopted in the metropolis; and that those who were responsible for the good conduct of the men, should have the appointment of them; and that the Government ought in no case to interfere in the nomination of officers for the purpose of gratifying any of its political friends."

Under that understanding, I believe every promotion of the officers in the force was left to Col. M'Gregor by my noble Friend. Such was stated to have been the case when I assumed the government of Ireland, and on that principle I constantly acted. As to the arrangement to which the noble Duke refers, of the promotion of one in three, that was tantamount to the elevation of a sergeant, or, in constabulary language, head constable to the rank of officer or sub-inspector, and did not refer to cases where an officer was promoted from one rank to another. The original appointments of sub-inspectors were made by the Government; but that was not inconsistent with the privilege of promotion conceded to Col. M'Gregor, and considered by me binding to this extent, that every promotion of an officer was left absolutely to his recommendation, and every third vacancy of a sub-inspectorship was filled up by him out of the force. But Colonel S. Kennedy complained that officers recommended by him for the stipendiary magistracy were not appointed. He had no right to make any such complaint. The stipendiary magistracy was totally distinct from the police force. I believe my noble Friend, on the recommendation of the Inspector General occasionally selected persons whom he considered fit for that duty from the police force. I did the same; and I am happy to say, that whilst such appointments were considered a great encouragement to officers of the Constabulary, and deemed by them a great honour, there were none amongst the stipendiary magistrates who performed their duties in a more efficient manner than those so chosen. But the Chief Inspector never made the slightest claim to any such appointments; and, in point of fact, he had no right whatever to them. I must say that the fact of appointments of that description not being made on the recommendation of the Inspector General, stands on very different ground from that of my noble Friend's present complaint, and the subject of his Motion. It is true that the Inspector General submitted all promotions for the approval of the Lord Lieutenant, who, in compliance with the Act of Parliament, signed the appointments; but the recommendation substantially rested with him, and was held by me conclusive. It was on that understanding that Colonel M'Gregor took the present situation, and I need not point out to the noble Duke, that a slight cast on him, by passing over his recommendation, was one calculated to weaken his influence with the corps. The noble Duke said most truly, that no complaint was made against Major Priestly's character. I had an opportunity of seeing and knowing that gentleman, and I should not be acting justly if, upon such an occasion as the present, I did not bear testimony to his zeal and ability in the discharge of his duties; but it is not attempted to be said that he is in any respect superior to the other gentleman recommended by Colonel M'Gregor; and under such circumstances the recommendation of the Inspector General being slighted is a just cause of complaint and an injury to the force. On these grounds I shall cordially support the first Motion of my noble Friend. On the second Motion the noble Duke made some comments, which seemed to justify the rash expressions used by a right hon. Gentleman in an election speech, in which he is reported to have stated that when the present Government entered office, Ireland was in a state bordering on rebellion—rather a description not at all applying to the period referred to, but if at all, to a subsequent time, when the affairs of Ireland were administered by the right hon. Gentleman and his Friends. But the noble Duke says there were monster meetings in 1840 and 1841. I do not deny that there were meetings at which very improper language was used; but I am sure, at the same time, that the noble Duke is far too candid and just to consider those meetings, either in number or in any characteristic likely to render them formidable, at all comparable to the really monster meetings of 1843, which were so frequently canvassed in this House. I am certain, if there had been such meetings during my period of office, I, being responsible for the tranquillity of the country, should not have had the audacity to get up in this place and take credit, as I have done, not to myself, but to the people of Ireland, for the tranquillity of the country. But the fact rests on better authority than mine. When Sir R. Peel took the Government in 1841, I recollect, that in answer to some complimentary observations of Lord J. Russell upon the construction of the Government of Ireland, he congratulated himself upon having triumphed over the difficulty he had expected to meet with there. The noble Lord late Lord Lieutenant, too, with that fairness and manliness which belong to his character, adverting in this House to the state of Ireland in the spring of 1842, admitted the peace which prevailed when he entered office, and that it was the result of the rule of those who had preceded him. Now, as to the collection of repeal funds alluded to by the noble Duke. Why, during the whole time I was in Ireland the average rents were under 100*l.* a week—they never in any week exceeded 200*l.* But your Lordships are aware that in 1843 and 1844 the rent amounted sometimes to 1,000*l.* or 2,000*l.*; and even at the present time it sometimes reaches 500*l.* or 600*l.* per week, the average being I believe above 300*l.* Now, these certainly are the tests of the interest and feeling which prevail in the country on the subject of Repeal. I am afraid that another indication of the state of the country, to which I attach much importance, will not show a very favourable comparison at the present time, with the period of former administrations. I allude to the number of outrages. However, we shall shortly have the Returns on this subject, and it is better not to draw inferences until they are before us. At the same time I am bound to say that I perceive indications (since a change has taken place in the Government) of a better order of things in that country. I think I have seen in the recent church promotions that a systematic and violent opposition to the Government scheme of National Education is no longer considered as a necessary passport to advancement. I think that the grants to be made to Roman Catholic colleges are likely to secure in future a great improvement of the state of things in Ireland in that respect. I must also say, that having always looked forward with hope of the good to be effected by the Landlord and Tenant Commission, I for one have not been altogether disappointed. I do not agree with all the suggestions the

Report contains; but there are some which fully meet my own views, and which I earnestly hope Government will carry into effect; and I must add that the tone and temper in which it is drawn, accords with the character of my noble Friend who presided over that Commission, and in my opinion does honour to the humanity and ability of himself and his Colleagues.

Lord *Brougham:* I rise merely to say a word with regard to a right hon. Friend of mine, whom the noble Marquess—I will not say attacked, for he was only defending himself—but represented as having made remarks in "another place," not, as it is technically understood, the other House, but in a place still more distant—the hustings. I hope my noble Friend's speech will not be drawn into a precedent for calling on us to answer all attacks on the hustings of England, Scotland, and Ireland. If such were the case, I should have to answer many an attack made on me on account of the Poor Law or of the Imprisonment for Debt. But I am perfectly certain that if anything is stated in the report referred to, which imputes to the distinguished Member of the Government named by my noble Friend anything inconsistent with strict truth and fact, it must be a misrepresentation, and that my right hon. Friend is incapable of being led, even by the spirit of the hustings, into such a statement. But if he said that Ireland was in a state of disturbance at the time alluded to, it must be taken as a figure of speech and not as a deliberate statement of fact; for no man in his senses could have asserted what was so grossly contrary to notorious facts. We must not deal very critically with expressions used in the heat of eloquence, for even in this place, in the fervour and animation of the rhetorical moment, things are uttered which are not to be scanned as arithmetical or mathematical certainties. Such a considerate construction ought also to be put upon words uttered by my right hon. Friend on the occasion referred to. Of this I am sure, that he is incapable of a wilful misstatement; for his high honour and strict integrity, are, I was going to say, equalled by, they cannot be greater than his splendid talents. Now, as to the Motion of my noble Friend as jobbery is known in Ireland (though it exists, I admit, to a greater extent elsewhere), the best way to obviate it is to place such appointments as those referred to, in the hads of the officer who presides over the corps. But still as the power exists in the Lord Lieutenant, and as the present nomination is a good one, I agree with the noble Duke, that no case is made out for impugning the selection. In the same way, the Chancellor is supposed to take the recommendations of the Lords Lieutenant as to magistrates, but he is not thereby precluded from exercising an independent judgment when he thinks fit. Though I admit the rule in the present case to be a good one, I do not think it should be followed in all cases.

The Marquess of *Normanby* replied: He did not charge the right hon. Gentleman with intentional misrepresentation, but with carelessness and oblivion in asserting a fact which involved a serious charge against himself. But it appeared that Ministers were not to be held responsible for speeches delivered on the hustings. The responsibility of Opposition was sometimes spoken of; but surely that of Office was stronger. If the doctrine of the noble and learned Lord were sound, what became of the comments on the Stroud and Tamworth manifestoes, or of the strictures on that speech of the right hon. Secretary for the Home Department in 1834, when he declared that it was impossible he should join Sir Robert Peel's Government as he had always advocated those principles which his present Colleagues passed their whole lives in opposing? It was true that the right hon. Gentleman (Mr. S. Herbert's) name, not having been previously so much before the public, so much importance might not be attached to his personal opinions; but the weight attached to such statements, when made on entering office, served as a useful control over public men; and it was right that Ministers should know, that when they addressed their constituents, and as Ministers attacked one who was absent, the person so charged should be enabled fearlessly to meet such assertions in his place. But there was another part of the right hon. Gentleman's speech which was not alluded to by the noble Duke, in which, beyond all doubt, a fact was stated which could not be interpreted as a figure of speech. It was true that certain persons in Ireland were punished, but it was equally true that punishment would never again be inflicted under similar circumstances. The noble Duke said that he had himself departed from the "understanding" of which he had spoken. He did so in one instance, which he had never attempted to conceal, and which he explained to Colonel Shaw Kennedy. The noble Duke had indeed been much misinformed as to the whole of the details of this question, on which its entire merits depended. He had, in spite of the explanation given in introducing this subject to the House, persisted in confounding original appointments with promotions. He had distinctly stated that after the reorganization of the Constabulary it was necessary to introduce persons, of whom Colonel Shaw Kennedy, then a stranger to Ireland, had no knowledge. The noble Duke had, too, made a confusion between chief constables and head constables. He had never taken anything away from the Inspector General with reference to head constables, but he had proposed to give him that which he had not before—one third of the original appointments of constables, to be distributed amongst the most deserving head constables. This arrangement had been completed by his successor. He had admitted that Major Priestly was a respectable man, but he thought Major Brownrigg a more fit person for the appointment in question. The noble Marquess concluded by reading the extract from Sir R. Peel's speech already given.

On Question, That there be laid before this House, A Return of the Appointment of the Deputy Inspector General of Constabulary in Ireland in the room of the late Major Galway; with the recommendations of the Inspector General (if any) on which that appointment was made;

The House divided:—Contents 12; Non-contents 32: Majority 20.

So it was *resolved* in the *Negative.*

Then it was *moved*, That there be laid before this House, A Return of the Number of Her Majesty's Army serving in Ireland on the First Days of January, from the year 1835 to 1845, both inclusive; On Question, *agreed to;* and the said Return ordered accordingly.

Their Lordships then adjourned.

HOUSE OF COMMONS,

Friday, March 7, 1845.

MINUTES.] NEW MEMBERS SWORN.—For Kent (Eastern Division), William Deedes, Esq. — For Shaftesbury, Richard Brinsley Sheridan, Esq.

BILLS. *Public.* — 1°. Infeftment (Scotland); Heritable Securities (Scotland).

Reported.—Bastardy.

Private.—1°. London, Worcester, and South Staffordshire Railway; Foulmire Inclosure; Glasgow Junction Railway; Amicable Society Assurance; Glasgow, Paisley, Kilmarnock, and Ayr Railway.

2°. Newcastle and Darlington (Brandling Junction) Railway; Eastern Counties Railway (Hertford and Biggleswade Line).

PETITIONS PRESENTED. By Mr. Shaw, from Donadea and several other places in Ireland, for Encouragement to Church Education Society (Ireland).—By Lord Ashley, from Vicar, Churchwardens and others, of Powerstock, against any Increase of Grant to College of Maynooth.—By Viscount Clive, from Donnington, and by Mr. W. Miles, from Shepton Mallet Church of England Lay Association, against the Union of St. Asaph and Bangor.—By Viscount Ingestrie, from Landowners and others, of Church Eaton, and 3 other places in County of Stafford, and by Mr. Eliot Yorke, from Landowners of the Isle of Ely, for Agricultural Relief from Taxation.—By Mr. Cobden, from Avebury, for Repeal of Corn Laws.—By Mr. Bright, from James Hills, of Sunderland, against the Window Duties.—By Mr. A. Oswald, from Magistrates and others, of the county of Ayr, and by Lord James Stuart, from Irvine and Montrose, against any Alteration in the present system of Banking (Scotland).—By Viscount Clive, from Ebenezer, and 2 other places in Wales, in favour of County Courts Bill (1844).—By Mr. T. Duncombe, from Factory Workers employed by Messrs. Macleroy, Hamilton and Co., Catherine-street, Glasgow, in favour of Ten Hours' Bill.—By Mr. Bright, from Hunsworth, and by Mr. T. Duncombe, from Pershore, for Repeal of Game Laws.—By Mr. Hume, from Robert Richardson and others, for Regulating the Practice of Midwifery.—By Mr. Brotherton, from Females of Baptist and Independent Congregations, and from Society of Friends, of Reading, for Alteration of Law relating to Promiscuous Intercourse.—By Mr. Aldam, Lord Ashley, Mr. Bright, Mr. Brotherton, Mr. Pole Carew, Mr. Greene, Mr. Henley, Mr. Hughes, Mr. Kemble, Mr. Ord, Mr. Fox Maule, Mr. W. Miles, Mr. O. Morgan, Colonel Paget, Mr. Pendarves, Mr. Tancred, and Mr. Stuart Wortley, from an immense number of places, for Diminishing the Number of Public Houses.—By Mr. Cumming Bruce, Mr. George Duncan, Mr. F. Mackenzie, and Mr. Smollett, from 4 places in Scotland, for Improving the Condition of Scotch Schoolmasters.—By Mr. T. Duncombe, from Workmen of Glasgow, for Protection from Arrestment (Scotland).

AGRICULTURAL SEEDS.] Mr. *Stafford O'Brien* was desirous of asking two questions of the right hon. Gentleman the First Lord of the Treasury. First, at what period it was intended the duties on the importation of agricultural seeds were to cease? and next, whether clover seed was included among the seeds the duties on which were to be abolished?

Sir *Robert Peel* replied, that clover seed was not mentioned in the new Tariff, nor was it intended to be included in it. With respect to the period at which the removal of the duties would take place on those seeds included in the Tariff, he had considered it advisable that it should be after sowing time, and in the course of the month of June.

CALIFORNIA.] Mr. *Stuart Wortley* seeing the right hon. Gentleman the First Lord of the Treasury in his place, begged to call that right hon. Gentleman's attention to a paragraph which he had read in a newspaper within the last day or two. In the *Times* newspaper of yesterday there appeared the following paragraph, purporting to be an extract from a French newspaper called the *Presse*:—

> "The fall of Santa Anna has exposed one of the vastest projects which the undermining ambition of Great Britain ever conceived. It appears from the correspondence of the ex-President of Mexico with the British Minister, that the former, for a sum of 25,000,000 piastres, of which he had reserved for himself a considerable portion, was on the eve of ceding absolutely to Great Britain the magnificent province of California, considered so valuable both by Great Britain and the United States, that the latter, in the year 1837, offered 85,000,000 for the harbour of San Francisco alone. It is not necessary to dwell upon the extraordinary coincidence which exists between the means employed by the British Government with Santa Anna for the possession of California, and those formerly used with Espartero for the possession of the islands of Anabon and Prince's off the coast of Africa."

Although this was only a paragraph in a newspaper, it professed to have some foundation, and knowing the avidity with which all such statements were laid hold of in France and elsewhere to create a prejudice against the policy of Great Britain, he was anxious to call the attention of the right hon. Baronet to it, and to ask—first, whether there ever had been any such correspondence? and secondly, whether there was any foundation for the statement?

Sir *R. Peel:* I beg to state, in answer to the question of my hon. Friend, in the most explicit manner, that I am not aware of the existence of any such correspondence, and that I believe the report to be as utterly without foundation as any report that was ever invented. I hope that this contradiction may prove a caution to persons out of doors how they put confidence in such stories. I have seen a great many reports as to the undermining ambition of Great Britain; but I have considered that they were propagated rather as a palliation for the conduct of others, than as having any truth in them. I can answer for it that the present Government have had no such correspondence; and as I find no trace of it in any of the offices, I believe that the late Government was equally innocent in the matter. I repeat that the report is utterly destitute of foundation.

Viscount *Palmerston:* I may take the liberty of answering for the late Government. Neither in 1837, nor in any other year, did the late Government offer 5,000,000*l.*, or any other sum [Mr. *J. S. Wortley:* 5,000,000 of dollars.] 5,000,000 of dollars, or any other sum, for the harbour of San Francisco. Neither did the late Government ever offer 25,000,000 of piastres to any Mexican Minister.

THE HAFOD ESTATE.] On the Order of the Day for the House to go into a Committee of Ways and Means, having been moved,

Mr. *Williams* trusted the House would permit him to explain the reason of his absence yesterday evening, when his name was called, to submit to the House the Motion of which he had given notice, and which stood on the Paper of yesterday. He was also anxious to appease what he thought the rather too sensitive feeling which the noble Lord opposite (Lord Lincoln) had displayed on the question. He had come down to the House last evening with the full intention of making that Motion, but as he had calculated on the Motions which preceded it occupying a much greater length of time, he arrived too late, which he deeply regretted. If he had been present the noble Lord would have spared himself the trouble of making so long a speech on that occasion. He could assure the noble Lord that, in giving notice of that Motion, he had not the slightest intention of imputing anything either to him personally or to his noble father; and if the noble Lord would compare the Motion with the particulars of the sale in the accounts of the Commissioners of Woods and Forests, he would at once perceive that nothing personal could be inferred from it. In the 15th Annual Report of the Commissioners, and signed by the noble Lord, in Appendix No. 2, there was a Schedule of all manors, lands, and hereditaments belonging to the Crown, which had been sold by private contract by the Commissioners of Woods and Forests. Then came the entry with respect to which he required explanation. The date was Oct. 16, 1843. It stated, under the head Cardiganshire, that the Crown had an interest in certain parcels of land adjoining Hafod estate, being waste, amounting to 7438 acres 36 perches, and that such lands were sold to the Duke of Newcastle for 1049*l.* 15*s.* 9*d.* Such was the entry in the Commissioners' Report. Now, if any one would compare it with his Motion, it would be perceived that it did not imply anything against the noble Lord. The Motion was as follows:—

"Copies of all Surveys and Valuations of 7,438 acres 36 roods of land belonging to the Crown adjoining to the Duke of Newcastle's Hafod Estate in Cardiganshire, which has been sold to his Grace by private contract for 1,049*l.* 15s. 9*d.* by Her Majesty's Commissioners of Woods, Forests, and Land Revenues, as stated in the Appendix, No. 2 (A.), in the said Commissioners' Report for 1844."

Now, if the noble Lord, or if any man, he did not care who, could point out in that Motion the slightest shadow of a shade of imputation against the noble Lord or his father, he would at once admit that the observations made by the noble Lord last night were justifiable. The House, he hoped, would permit him to state, that, in making that Motion, he had done it on purely public grounds. He had seen a statement, without any explanation appended to it, that freehold property of the Crown had been sold for 2*s.* 10½*d.* an acre, and it appeared to him that some explanation was clearly called for. He never doubted that the noble Lord would be able to give that explanation. All he wished to know was, the state of the property and the value of it. He had moved for Returns for that purpose. The hon. Member for Montrose had last night taken up the Notice which he had given. He thought that much evil would necessarily arise if the practice were continued, of one Member taking up the Motion of another. Perhaps it would be some satisfaction to the noble Lord to know that in 1832 he had moved for a similar account. He then moved for copies of the certificate of conveyance, valuation and surveys of a manor of the Crown made previously or subsequently to the sale thereof. The noble Lord would perceive that this Motion was more extensive than that which he had placed on the Paper of yesterday. He had made the former Motion because the property had no sooner been conveyed by the Crown, than the party purchasing it proceeded to remove nearly a hundred poor men who had settled upon it. They had by their labour made the ground valuable—brought it into cultivation from a state of waste, and erected cottages upon it.. Yet the purchaser threatened to compel every one of them to yield up the whole of their property—a thing never comtemplated by the Crown. The case was carried before the Queen's Bench, and the Lord Chief Justice decided that the purchaser had no right to compel these people to withdraw. Notwithstanding this the purchaser gave notice to these parties that he would commence actions against every one of them unless they resigned their rights. A representation of the case was made to him, and he made a representation of it to the noble Lord then at the head of Woods and Forests (Lord Duncannon), who investigated and thoroughly sifted the whole case, and the result was that the purchaser withdrew all proceedings against the encroachers, and an amicable arrangement was come to. After such an occurrence he thought the noble Lord opposite ought not not to have felt surprised when he asked for an explanation with regard to the sale of the land in question. The low rate at which it was sold, 2*s.* 10½*d.* an acre, certainly struck him, for he had never imagined that there was within the boundaries of the island land of so little value. He made no charge against the noble Lord for having sold the property to his father. All he wished was the particulars of the sale. He did not mean to say that the purchaser of the property in question would act in the same way as the party to whom he last referred; but if the purchaser should, he would certainly assist the poor men in this as he had done in the other case: that was one reason why he had given notice of his Motion. It was important, in his opinion, that schedules of all encroachments should be furnished. He could assure the noble Lord that if he had been present last night matters would have ended in a very different way. The noble Lord had no grounds whatever for the observations which he then made. An hon. Gentleman had stated that he had seen the property, and that he did not think the 7,000 acres worth twenty acres of ordinary land. That might be, yet he confessed the insignificance of the price surprised him. All he knew was that the Hafod estate had been considerably enchanced in value by the purchase, and that the proprietor had asked a much larger sum for it than he had paid. He begged, however, to assure the noble Lord that he would have made a similar Motion, whoever might have been the purchaser, and that his sole object in doing so was to satisfy himself in regard to the encroachments. He maintained that all private sales of public property were fairly objects of inquiry by Parliament. He would say more, that no sales of Crown property ought to be private, and that they ought all to be made by public sale, as that was the only fair and just mode of proceeding. He had, of late, occasion to point out the great mismanagement of Crown estates, as regarded the public, not as regarded the Crown. The Crown received a civil list of 385,000*l.*, in exchange for which it had surrendered the whole of the Crown estates. These estates produced a very large sum of money, but the amount which went into the Treasury did not exceed 150,000*l.* or 160,000*l.* Formerly the revenue of the Crown estates sufficed not merely for the personal expenses of the Monarch, but for a large amount of expenditure, for the maintenance of the civil list, and even carrying on wars. The revenue of that property had dwindled down to its present insignificant amount, through mismanagement and wasteful expenditure; and he must say that the Department over which the noble Lord presided required as much looking after as any other Department of the Government. The noble Lord must not think that he was afraid of bringing this question before the House. He had not shrinked bringing on a similar Motion on a former occasion, and he would not shrink from doing his duty whenever the public interest requred it.

The Earl of *Lincoln* said:—Sir, the hon. Gentleman opposite who has just sat down, has entered into a lengthened statement, and has addressed a very long speech to the House, for the purpose of justifying the Motion on this subject, of which he had given notice. I beg leave emphatically and distinctly to repeat, what I have already stated on last evening, that so far as I was personally or officially concerned, neither the Notice of the hon. Gentleman nor his Motion, required any justification. I stated distinctly on that occasion, that I by no means attached any blame to the hon. Gentleman for having given that Notice. I stated, that if the hon. Gentleman, or any other Member of this House, entertained suspicions that any public servant had been guilty of a dereliction of duty, either he, or any Member of this House, had a perfect right to bring it forward in his place, and to claim an explanation from him. But what I complained of, and what I still complain of, was—and I think I had a right to claim this as a measure of justice from the House, and the hon. Gentleman opposite—that when the hon. Gentleman conceived it to be his duty to place on the Books of this House a Notice of a Motion which plainly imputed to me, as a public servant, corruption in the performance of my official duties, he did not think it equally his duty, not only towards me as a public servant, but also to this House, to attend in his place, and bring forward his Motion himself within as short a period as possible, and give that public servant as early an opportunity as he could of justifying himself. This was one of the complaints which I made against the hon. Gentleman; nor in anything which has fallen from the hon. Gentleman to-night has he, I think, cleared himself from that imputation. Such is my impression, at least; and I think the majority of this House will concur with me in that opinion. The hon. Gentleman has stated to-night, that it was better that hon. Gentlemen, Members of this House, whenever they give notice of their intention of introducing any Motion to this House, should bring forward their Motions themselves. With this assertion of the hon. Gentleman I fully agree. But the hon. Gentleman's practice does not correspond with his principles; for he did not attend here to bring forward his own Motion last night. The hon. Member for Montrose (Mr. Hume), who only originally intended to second the Motion of the hon. Member for Coventry, in the unexplained absence of the latter undertook to bring it forward, because he felt it to be his duty, and thought it only fair, when an imputation was cast upon the conduct of a public servant, by the terms of a Notice, to give such public servant as early an opportunity as possible of justifying himself. Why did not the hon. Gentleman himself attend then, and bring forward his own Motion? That was one of my complaints against the hon. Member opposite. Another cause of complaint against the hon. Gentleman, which I felt, and which I also stated to the House last night, was, that when the hon. Gentleman did think proper to put a Notice on the Books of this House, that Notice contained a most unfair representation of the transaction itself to which it professed to refer. The hon. Gentleman opposite has, with a perversion of vision which is to me perfectly extraordinary, read an extract from an official Report of the Commissioners of Woods and Forests, to justify the terms of his Notice. Now, I will undertake to show, and explain to the satisfaction, I trust, of every Member of this House, except, perhaps, the hon. Member for Coventry himself, that this extract introduced into his Notice, is at perfect variance with the Report itself;

and that it does convey to this House a very unfair representation of the case, and has the effect of misleading the House and the public as to the real facts of the case, and gives a different representation from what the Report itself really conveys. The Report from which the extract professed to be made was the Report of the Commissioners of Woods and Forests, presented to the House in August last. In page 29 of that Report appears the allusion to this particular property referred to during the present discussion. In noticing what was done respecting it, the Report goes on, and describes the property in question thus,—"the Crown's 'interest' in a certain portion of land adjoining the Hafod estate," &c. Now, the Return to be moved for according to the Notice of the hon. Member was, for "copies of all surveys and valuations of 7,438 acres and 36 roods of land, 'belonging to the Crown,' adjoining the Duke of Newcastle's Hafod estate," &c. Now that makes a most material difference in the facts of the case. Having an interest in is not the same as belonging to, or owning; and the inference intended to be raised cannot be mistaken. If the hon. Gentleman opposite, however, was unwilling to be present, in order to hear the explanation which I gave to the House last night, had he even taken the trouble to read the public prints this morning, he might have had his mind, perhaps, perfectly satisfied. Even had it been possible otherwise to have misunderstood my explanation, I think had he read the remarks, he might be convinced of its justice. Yet the hon. Member now comes forward, and has the hardihood to state, that notwithstanding all this explanation into which I have entered, had he been present last night, things would have taken a different turn. These are the two grounds of complaint which I have to make against the hon. Member for Coventry; but I will not detain the House, or trespass more on its patience, by entering any further into explanations of this subject, which, having so much of a personal character about it, makes it irksome to me to do so. I stated last night to the House, as I now state to the hon. Member, that I was ready to produce all the Papers connected with this matter. I stated to the House—which, however, did not seem to require it—that I was not only ready to produce all the documents bearing upon a right understanding of the present case; but moreover I requested the permission of the House to be allowed to place before it every letter or note I could, which would explain this whole transaction from beginning to end. The only exception which I made, was with respect to an enormous mass of letters and correspondence which passed between Colonel Johnes' solicitors, and the solicitors of the Office; and which being so numerous, amounting sometimes to two or three in the week, would, instead of throwing any light on the case, only tend to confuse and overlay it, were they included. Their production would only have mystified the case to the House more and more; and, therefore, I excepted this correspondence as not being necessary; and, indeed, some of it was almost of a private nature. But if the slightest doubt or suspicion should remain on the mind of the hon. Gentleman opposite, the Member for Coventry—I am rather confident that no such doubt or suspicion is entertained by any other Member of this House—that the explanation I have given is not fully satisfactory, I hope that he will persevere in moving for all the Papers in this case, and for a full inquiry into its merits. Nay, I will now challenge the hon. Member for Coventry to ask for the production of every one of those Papers, documents, and letters. I will not at present enter into any further discussion of the merits of this case; but from what has just now passed, I think the hon. Member opposite is bound in justice to the House and to me to proceed further with this case, and bring it forward as fully and satisfactorily before this House as he can; and I think it will be by no means creditable to himself if he does not after what has occurred to night. I call upon the House distinctly to recollect what the hon. Gentleman opposite has said this evening. The hon. Gentleman has said, that if he had been in the House last night, when this case was under discussion, the result would have been a different one from what it was. I request the House to bear that observation in mind. I will not now enter into any further explanation relative to this matter, having already occupied more of the time of the House than I could have wished; but when all these documents are fully before you—when all the Papers connected with the present case are on the Table of this House—I then call upon the hon. Gentleman, in justice to the public and myself, to put a Notice of a substantive Motion founded upon them on the Books of this House.

Mr. *Williams* said, in explanation, that when he first wrote out the Notice in question, he had merely stated "copies of surveys and valuations of Crown Property purchased by the Duke of Newcastle, described in the following entry in the Report of the Commissioners of Woods and Forests," and there was a reference to the Report. That Notice he had shown both to an hon. Gentleman at the Ministerial side of the House, and his hon. Friend the Member for Montrose (Mr. Hume), and having asked their opinion of it, they had considered it would be more advisable to embody the extract in the Notice in the form which he had used, than give an extract itself in inverted commas.

Mr. *Hume* said, as allusion had been made to him, he might be permitted to offer a word or two in explanation also of the course which he had pursued in this matter. He should observe, he was very sorry his hon. Friend was not in the House the previous evening. When his hon. Friend showed him the entry in the Report of the Commissioners of Woods and Forests, he had said to his hon. Friend, "This looks very suspicious; but I'd recommend you not to trouble the House about the matter, unless you are well acquainted with the facts of the case;" that was his advice to his hon. Friend. He had said that if the Papers presented to House on the Motion were not satisfactory, he himself would move for an inquiry into the matter. But he did not agree with the noble Lord the First Commissioner of Woods and Forests, that his hon. Friend was bound to bring forward a further case for investigation. If he was satisfied, he might hold his tongue. When his hon. Friend had been absent the previous evening, he had undertaken the responsibility of bringing forward his Motion. He thought it was only fair to give a party implicated by any Notice on the Books of the House the earliest possible opportunity of setting himself clear; and he thought he was really then doing only a kind act towards the noble Lord and his hon. Friend near him, by bringing forward the Motion and taking the responsibility of it on himself; and that his hon. Friend would be of that opinion also, he believed, after a very little reflection. But with regard to the explanation of the noble Lord, he felt bound to state, that long as his experience had been in Parliament, he had never heard an explanation more satisfactory, or more exculpatory than that given by the noble Lord.

Order of the Day read.

Ways and Means—Sugar Duties.] On the question that the Speaker do now leave the Chair,

Mr. *Cobden* said, there was one point to which he wished to draw attention, namely, as to the amount which would be voted as a tax for the benefit of the Colonial proprietors. He thought both sides of the House would agree that they were going to vote avowedly an amount of money to the Colonial proprietors, and therefore there could be no harm in ascertaining, as far as it could be done, what that amount would be. He would take the right hon. Gentleman's own data, and he thought the fact would appear self-evident as to the amount which they were about to pay to the Colonial proprietors; and as the subject might be adverted to in the discussion upon the Income Tax on Monday—for the two questions were pretty much blended together—he should like to know the fact from the right hon. Gentleman the Chancellor of the Exchequer. The right hon. Gentleman assumed that we should receive 230,000 tons of Colonial sugar, and we were to pay 10*l.* 10*s.* a ton as protection upon it. He assumed, also, that we should have 20,000 tons of Foreign sugar: he therefore thought it was evident, before we could receive the 20,000 tons, we must have previously paid the 10*l.* 10*s.* extra duty on the Colonial sugar. If he was right—and he was taking the right hon. Gentleman's own proposition—then the amount which the House was about to vote in the way of protection would be about 2,416,000*l.* In fact, the tax which they were to vote was 3,500,000*l.* to the Crown, and to the Colonial proprietors, as he had before stated, a tax of 2,416,000*l.*, a sum which would enable the right hon. Gentleman to take off the window tax and the soap duty, and have left him about half a million to spare. If there was any fallacy in what he had stated, it should not remain uncontradicted. He and others with whom he acted had been charged with exaggeration, both in and out of the House; and if, therefore, there was anything wrong in what he had now stated, he hoped the right hon. Gentleman would set him right.

The *Chancellor of the Exchequer* did not acquiesce in the reasoning of the hon. Gentleman, or the results at which he had arrived as to the effect of the protection proposed to be given to Colonial sugar as distinguished from Foreign sugar. As they were all naturally anxious to go into the details upon the Resolutions to be proposed, he thought it would be better to reserve a discussion upon any general question, which might form a feature for future debate.

Lord *Howick* thought the question of the hon. Member for Stockport was a very plain one, which had been very clearly stated, and it involved a point which ought to be cleared up. It was capable of being answered aye or no. If he understood the position of the hon. Gentleman it was this—the right hon. Gentleman the Chancellor of the Exchequer proposed a duty of ten guineas a ton on Colonial sugar as compared with Foreign sugar, and he assumed that Foreign sugar, under that protecting duty, would come into the market and be sold. It followed, therefore, that, if it were not for this protecting duty, the growers of such Foreign sugar could afford to sell it ten guineas a ton cheaper than they actually would do whilst a protecting duty in favour of Colonial sugar to that amount continued. If the Foreign free-grown sugar could be sold in the market at a profit, whilst it paid ten guineas extra duty, he wanted to know why, if that extra duty were removed, it would not equally answer their purpose to sell their sugar to the consumer ten guineas a ton cheaper? They would receive precisely the same amount for it, the only difference being that ten guineas less would go into the Treasury. He understood the point which had been put by the hon. Member for Stockport to be this:—"If Foreign sugar could be sold ten guineas a ton cheaper than Colonial sugar would be under the present arrangement, it was perfectly clear that if Foreign sugar was allowed to come into the market on equal terms with Colonial sugar it would bring down the price of Colonial sugar ten guineas a ton; and it was for the purpose of preventing such a fall upon Colonial sugar, that a protective duty was imposed." He confessed that he was totally at a loss to understand what a protecting duty was for, if it was not for that purpose. If the price of sugar, then, was raised ten guineas a ton—if the Government proposed a protecting duty for that purpose—and if the Chancellor of the Exchequer calculated upon 230,000 tons of British sugar being brought into the market, he wanted to know where the error in arithmetic—where the fallacy was, when the hon. Gentleman behind him said, "you are imposing a tax on the British consumer of 2,416,000*l*., and upwards."

Sir *R. Peel* said, that in the course of last week 3,000 quarters of Foreign corn had been imported at a duty of 20*s*. The consumption of wheat in this country was estimated at 20,000,000 quarters, and with the exception of 1,000,000 quarters, the whole 19,000,000 quarters had been derived from our domestic supply. Did the hon. Gentleman or the noble Lord mean to contend that because 3,000 quarters of Foreign wheat were brought into the market last week, and paid a duty of 20*s*., therefore a tax to the amount of 19,000,000*l*. had been levied on the British public, because 19,000,000 quarters, the produce of our own supply, had been consumed within the last year? And how did the noble Lord reconcile the complaint he now made with the statement which he made the other night, namely, that if the duty upon Foreign corn was removed, it would not at all follow that the price would be diminished? because an attempt had been made to show that in Jersey and Guernsey, where the trade in corn was free, the price of wheat was not lower than it was in this country. Did the noble Lord really mean to contend that a tax of 19,000,000*l*. had been levied on the British public, because 3,000 quarters of wheat had been brought in last week at a duty of 20*s*., for that, as he understood it, was the tenor of his argument?

Mr. *Hume* said, the right hon. Baronet (Sir R. Peel) was mistaken, because the very object of the Corn Law was to keep up the price of corn. Hon. Gentlemen opposite would not give a pin for the Corn Laws, if they did not keep up the price of corn. Therefore the right hon. Baronet had been arguing against his own Friends. The right hon. Baronet had not answered the question, which was a direct one—what amount the proposed Sugar Duty would put into the pockets of the Colonial proprietors? It was said, that the whole would not go to them; and the question was, what proportion would? He (Mr. Hume) believed that it would depend on the proportion between the quantity coming in and the quantity admitted at the lower duty; at any rate, it was a question which the right hon. Gentleman the Chancellor of the Exchequer was called upon to answer. He (Mr. Hume) should be told that one in twenty was too small a proportion to have the effect imputed;

but he only rose to show how utterly fallacious was the argument of the right hon. Baronet (Sir R. Peel), and how he shrank from answering the question: for why go to corn? Why not keep to sugar? Sugar was the question, and to go to corn was no answer. The right hon. Baronet went to corn, thinking that a more attractive subject. He had often been told, " Oh, now do not let us hear any more of corn." So he would say now, " Keep to sugar; sugar is the question." The right hon. Baronet had said that he had no intention either to make any difference between the East and West Indies, or to increase the protection of both; and it was for him to make it evident to the people at large that this relief in the reduction of duty would not produce those effects, in consequence of the manner in which the duties were lowered. The time would come when all protection must be given up. He (Mr. Hume) was sorry right hon. Gentlemen were not coming to the discussion fairly and candidly.

Mr. *Labouchere:* It appears to me that the argument of the First Lord of the Treasury, brought forward in so triumphant a tone, as if it constituted an answer to the question of the hon. Member for Stockport, and the arguments reiterated by the noble Lord (Lord Howick), is one of the most extraordinary evasions ever heard in this House. What was the proposition? That, inasmuch as the plan of the Government supposed a regular trade to this country in Foreign sugar, amounting in the next year to no less than 20,000 tons, the price paid for our Colonial sugar by the consumer must be governed by the price paid for the Foreign sugar, and at which it can be imported into this country. Now, the right hon. Baronet is entirely evading the argument, in what I must think, on the part of so able a debater, a fit of despair. The right hon. Baronet says, " Why, I will bring forward precisely an analogous case in the instance of corn;" and what are the circumstances as described by the right hon. Gentleman himself? Why, that there was actually such a quantity as 3,000 quarters of Foreign corn imported into this country, against a quantity of 20,000,000 quarters of home-grown consumed in this country; and he said that, of course those 3,000 quarters must have precisely the same effect upon the price of the 20,000,000 as the 20,000 tons of Foreign sugar must have upon the 230,000 tons of Colonial sugar which he expects. Why, there is this immense distinction, which makes the whole difference, —The right hon. Baronet supposes, on his calculation of 20,000 tons of Foreign sugar, that it will be a profitable speculation for the foreigner to introduce the sugar here; but it remains to be proved (and I believe if the facts were before us we should find it to be entirely the contrary,) that this trifling quantity of Foreign corn which has come in has been a winning speculation, or that, under the operation of the sliding-scale, the transaction is likely to encourage the foreigner to send his corn here in future. I really am astonished that the right hon. Baronet should have ventured on such an illustration. What have been the circumstances of the corn trade? Why, that large quantities of Foreign corn, after being kept in our warehouses in the hope that it might be admitted here at no loss to the importer, for the consumption of this country, have at last got into so damaged a state, that it has not been possible to pay the duty upon them, and they have been thrown into the river. And this is the state of trade, under the operation of the sliding-scale—scandalous to the country and destructive to everybody engaged in it —to which the right hon. Baronet compares the sugar trade under the regulations which he has introduced. He endeavours to establish an analogy between circumstances so entirely dissimilar. Sir, however ill I may think of the scheme of Sugar Duties proposed by Her Majesty's Government, I do hope it will not inflict upon this country the curse of a sugar trade conducted upon the same principles upon which, unfortunately, the corn trade is conducted. But my purpose in rising was, at any rate, to protest against the argument brought forward by the right hon. Baronet, that he finds in the circumstances of the corn trade an answer to the question of the hon. Member for Stockport (Mr. Cobden). I do not wish to enter upon that question, as to whether the statement of my hon. Friend is true to its full extent, in the unqualified manner in which he has put it; I do not wish to pronounce an opinion; but this at least I may venture to say,—that there never was a more complete failure in answer, than in the attempt of the right hon. Baronet the First Lord of the Treasury to persuade the House and the country that, because it would be absurd to contend that that wretched quantity of 3,000 quarters of Foreign corn introduced into this country the other day produced any sensible effect upon the price of the great bulk of the corn consumed here in the present season, from that we can draw an analogous conclusion upon the circumstances of the sugar trade, and the effect of the introduction of Foreign sugar as well as Colonial into this country.

Mr. *Gladstone:* Sir, there has been a question put on one side of the House, and a question put on the other; and neither of them has been answered. A question was put from the opposite side of the House, I will say, not with the intention of obtaining any information. That question was put with the intention of raising argument and debate, but not with the intention of gaining information. [Lord *Howick:* With the intention of giving information.] The right hon. Baronet showed the noble Lord (Lord Howick) that this game of putting questions was "a game that two could play at;" and considerable uneasiness on the opposite side of the House has been the result of that retort. I say that a fairer answer was never made to such a question as that which came from the hon. Member for Stockport. I will not evade his question; I will go to it; but what have you done with the question of my right hon. Friend? My right hon. Friend put his question upon the 3,000 quarters of foreign corn entered last week—"Do you mean to say that those 3,000 quarters raised the price of all the 20,000,000 quarters consumed in Great Britain?" The right hon. Gentleman (Mr. Labouchere) is a most candid man, and he answered, perhaps fairly as far as it goes, that it is not fair to take that small quantity, that "wretched quantity" I admit, and to argue as if it formed an appreciable portion of the trade. I do not know that I differ from him in that; but I will give him a slight modification of the question, which shall preserve the substance of it, and avoid that objection of his. In the year 1843 there came in 1,000,000 or 1,200,000 quarters of corn; that at all events is no slight or inappreciable or imperceptible portion of the trade; and that paid a duty of about 15*s.* In the year 1844, 800,000 or 900,000 quarters of wheat came in; and that paid about 17*s.* a quarter duty. These are no "wretched quantities;" these are portions of the trade of the country, quite as great as we suppose or expect in the case of sugar. And now I will ask the right hon. Gentleman (Mr. Labouchere) my question;—will you look at the average price of wheat in 1843 and 1844, and tell me that the price of the 20,000,000 quarters consumed in the country was raised by 15*s.* a quarter in 1843, and by 17*s.* a quarter in 1844, above what it would have been without the Corn Law? You cannot ride off upon the excuse that this is a question upon some small and inappreciable fraction of the consumption. The right hon. Gentleman (Mr. Labouchere) says, that very probably the importer of these 3,000 quarters lost money. Possibly so; who can tell, upon a single transaction, or upon several, whether he has lost or not? But did the importers of 1,000,000 quarters in 1843 lose money? If they did, why was another million imported in 1844? I ask the right hon. Gentleman to answer me that. The right hon. Gentleman says, that quantities of corn were thrown into the river; he spoke, too, of a man in great difficulty, approaching even to despair, for an argument; and so he must go back to a story which, if I recollect rightly, was told in this House eight or ten years ago, of a transaction occurring, not under the present Corn Law at all, but under the old law, when some particular parcel of corn was thrown into the river. What has that to do with the question before us? I do say, that the question put by my right hon. Friend (Sir R. Peel) was perfectly just, and that it was impossible to answer such a question as that put on the opposite side in a manner more entirely consonant to equity and truth. I will endeavour to show the relation between the two. The hon. Gentleman opposite (Mr. Cobden) and the noble Lord (Lord Howick), who, I must say, is always candid and plain-spoken in this House, proceeded upon the supposition, that when you impose a protective duty, the meaning is (and the certain effect) to raise the price to the consumer; and what was the meaning of the question? What did the hon. Member for Stockport say? He said, "This is a plain matter of fact; it is a proposition of arithmetic, a sum in multiplication. You have to take 250,000 tons of sugar, and multiply them by the 10*s.* 6*d.* duty, and there you have the result; we are giving so much to the Colonial interest." Very well; you proceed upon that assumption, that the amount of the protective duty has necessarily a corresponding difference in the price to the consumer. But this is quite as fairly applicable to the Corn Law; and if you have put a foolish question, it is fair to answer you by another question framed upon exactly the same principle. But now I will endeavour to answer the question of the hon. Member for Stockport. It is not a question about a matter of fact, to be answered in a definite phrase; but only by taking into consideration a great variety of circumstances. I maintain that a protective duty is not the meàsure but the maximum of the addition that can be made to the price. The hon. Member for Stockport does not require to be told, that the protective duty on Foreign sugar was until last year 39*s.* per cwt.; but I do not suppose any hon. Gentleman is prepared to contend that 39*s.* was the addition made to the price by the operation of that protective duty. If the hon. Member for Stockport wishes to contend that 10*s.* 6*d.* a cwt. is the addition to be made to the price of sugar, in consequence of that duty being imposed, let him do so; it is perfectly fair argument; he has a right to contend for it. I am not surprised at his opening the point, and pushing it; in his view, and in his sense, it is right enough to drive his argument home, and bring out as well as he can the amount of protection. I do not object to that; but I do object to the assumption which seems to be made, because there are really many points to be taken into view in order to the clear and full understanding of his question. One of them is, that if you assume, that because a tax of 10*s.* 6*d.* is laid upon Foreign sugar, that sum must be added to the price of British sugar. You are bound to show that the article which will be entered as Foreign sugar will be of precisely the same average value as that which will be entered as British. Suppose, for the sake of argument, that the British sugar is only worth two-thirds of the value of the Foreign, and suppose the British sugar pays 14*s.* duty, and the Foreign 23*s.* 4*d.*; it is manifest that the duty would be a protective duty of 9*s.* 4*d.*, if it were upon articles of equal value; but if the Foreign sugar happens to be half as valuable again as the British produce, the 23*s.* 4*d.* is, in fact, only a very little tax *ad valorem.* This is not a mere theory; it is a practical consideration. I venture to assert that the sugars of foreign countries which will come here will be more valuable than the sugars from the British possessions; the foreign grower having a choice from a great variety of samples, will choose the best, and will enter a more valuable article. The duty, therefore, will fall more lightly upon that article, in proportion to its excess of value, and the addition to the price will be reduced in the same proportion. Of course, it must also be considered whether you allow that all the 20,000 tons of Foreign sugar which my right hon. Friend (Sir R. Peel) admitted would probably be entered here will be forthcoming or not; and if not, a deduction again must be made in your calculated rise of price. All these are matters of argument and discussion; it is quite right in the hon. Member (Mr. Cobden) to sift them to the bottom; but as to his putting the question he has put, and saying it comes to 1,000,000*l.* or 2,000,000*l.*, it is a fair stratagem in debate, and no objection can be taken to it in that light; but with reference to any information to be thus gained, it deserves precisely the answer that has been given to it, in the form of another question, by my right hon. Friend. And that question I hope some Gentleman on the other side will endeavour to dispose of more satisfactorily than has yet been done.

Mr. *Roebuck* said, the right hon. Gentleman who had just sat down had argued that the hon. Member for Stockport put a foolish question, which had been answered by another foolish question, by the right hon. Baronet at the head of Her Majesty's Government. That did not appear to him (Mr. Roebuck) to be the case, or to be worthy of either one side of the House or the other. The hon. Member for Stockport put a very pertinent question, and it was answered with exceeding dexterity by the right hon. Baronet, because he merely put his finger upon one part of the question, and did not answer the whole. This would be said, he was sure, of the question of the hon. Member for Stockport, that it was a plain, clear, definite, and brief question, intelligible by everybody; but he did not think any one of those characters could be assigned to the answer made by the right hon. Baronet. The question put by the hon. Member for Stockport was, "If a certain amount of duty be placed upon Foreign sugar as a means of protection, what is the loss to the community by that protective duty?" That was the real meaning of the question. That hon. Member made also a statement which he thought was not quite accurate—namely, that the loss to the community was to be measured by the gain to the planter. There was a loss to the community, made up of different items, besides protection or gain to the planter; there was the great quantity of labour and capital thrown away, entirely lost to every body. That protective duty, therefore, did only partial good to the planter, while it did a distinct increasing mischief to the whole community by the quantity of labour and capital thrown away in the production of the article in a more barren soil. The hon. Member for Stockport was answered by being asked—"Will you say that the importation of Foreign corn last week is a measure at all of an increase in price?" It was not a very accurate measure, because the quantity was so small; but if the quantity had been large, it would be an approximation to a measure. The question of the hon. Member for Stockport was, therefore, really put for information' sake. It might be shown to be so, in this way:—The East and West India growers were to be protected by a 10*s.* 6*d.* duty, what was that put on for? He held in his hand a most significant letter written by Mr. Gladstone (the father of the right hon. Gentleman who had addressed the House) to the Chancellor of the Exchequer, and published in that day's *Times,* avowing that the West India planter must be protected against two things—against cheaper and better sugar; and what did that mean but that the community lost in two ways—by high price and bad quality? They were to have worse sugar at a higher price; this was what was called protection! Supposing a distinct and definite quantity introduced from the West Indies, the hon. Member for Stockport wanted to know the amount of loss to the community, or how much the price was raised in reality? It was raised by thus much—as much as the West Indies would import if there were perfectly free trade, so much might not be considered loss. The right hon. Gentleman the late President of the Board of Trade had intimated that they would be utterly ruined; and if so, there would be no importation. The price, therefore, was accurately enough stated by the hon. Member for Stockport to be measured and increased by the 10*s.* 6*d.* duty. The Chancellor of the Exchequer was shaking his head; Lord Burghley was represented to have shaken his head; but he should be much more delighted with an argument from the right hon. Gentleman than with a mere significant gesture. If there would be no importation from the West Indies, in case of free trade, then the price was increased by the whole amount of the protective duty. If there would be any importation, it would be just so much as could be produced in the West Indies at the same cost as it was in Brazil. If the Brazilians could import at 10*s.* less than the West India grower, the sugar imported from the West Indies would then have to be really imported 10*s.* cheaper; and therefore the 10*s.* did mark the difference in price. Now, how was this answered by the mystification of the right hon. Gentleman (Mr. Gladstone), who said a variety of circumstances entered into the consideration? No doubt they did; but here was a pertinent question deserving the attention of a statesman—what the exact amount was which was paid for protection? It was supposed that great benefit was derived from this protection of the Colonies; he denied it altogether. There might be very good reasons for protecting the East Indies as well as the West, but the reason was not an economical one; and the hon. Member for Stockport was putting an economical question, which wanted an economical answer. In his opinion, the value of the West India Colonies to this country was to be estimated by our loss. We derived no strength from them, but had to pay them a large tax in the shape of a Sugar Duty. It had not been shown in any way whatever how the statement of the hon. Member for Stockport could be escaped from, that this country paid every year 2,400,000*l.* in the tax on sugar for the behoof of the West Indies.

Sir *George Clerk* believed the hon. and learned Member for Bath stood alone in that House, in maintaining that the Colonies, and more particularly their West Indian settlements, were of no value whatever to this country. Instead of answering the hon. and learned Gentleman, therefore, he would prefer addressing his argument to the speech of the hon. Member for Taunton, who held that at least some protective duty was necessary for the prosperity of the West Indian Colonies, and that, however he might advocate the principles of free trade, he was free to admit that, owing to the peculiar position of the West India planters, an exception ought to be made in their favour to the general rule for which he contended. The right hon. Gentleman was, of course, for granting that protection merely in order to ward off the impending ruin which would be sure to fall upon these Colonies if all protection were withdrawn, and if they were compelled to enter into an unlimited competition with other countries. But both the noble Lord and the hon.

Member for Stockport thought that the matter resolved itself into a mere money question; and that the amount of the loss which this country sustained in continuing the protection to the West Indian interest was to be measured by allowing 10*s*. 6*d*. a ton for the entire quantity of sugar imported from the West Indies. If that argument were to hold good, it would necessarily follow that the larger the supply of sugar which they received from the West Indies happened to be, by so much would the tax which was paid by this country in the shape of protection be increased. The hon. Member for Stockport said they would get 230,000 tons of sugar from the West Indies, and that a protection of 10*s*. a ton on that amount wauld be equivalent to a tax on this country of 2,300,000*l*. Now, in order to see how far that allegation was well founded, he would suppose that the West India Colonies, instead of being able to send them the quantity of sugar supposed by the hon. Gentleman, were enabled to export only 100,000 tons, or even 50,000 tons to this country, and that the deficiency were to be supplied by the importation of Foreign sugar; then it would necessarily follow that the amount of protection given to the West Indies, instead of being 2,300,000*l*., would be only 500,000*l*. He would admit that the argument of the hon. Gentleman would hold good, if the supply of sugar from the West Indies were very inconsiderable, compared with the necessary consumption of this country, and if they had the means of obtaining an unlimited supply from Foreign countries, without the market price being increased. If that result were to follow, then the protection would, as stated by his right hon. Friend, arrive at the maximum rate, and the argument of the hon. Member for Stockport might hold good; but how could that argument be shown to be applicable under existing circumstances, when they actually expected to receive from their Colonial possessions a much larger quantity of sugar than had ever been consumed in any one year in this country? When the noble Lord opposite spoke a few evenings ago of the differential duty between Foreign and Colonial sugar, being fixed at 7*s*. 6*d*., he would wish to know how the noble Lord, bearing the argument he then used in his mind, could arrive at the same conclusion to which the hon. Member for Stockport had come, when he spoke of fixing the tax borne by this country on account of protection to their West India interests at the amount of the product of the entire quantity of sugar imported by the rate of the differential duty. Now if they were to remove all protective duty in favour of the West India Colonies, the necessary consequence would be that a large portion of the sugar plantations there would be withdrawn from the cultivation of sugar; and the result which must necessarily follow would be, what his right hon. Friend the Chancellor of the Exchequer had stated, and what had been admitted by the hon. and learned Member for Bath—namely, a repetition of what had occurred in the year 1798, when the sugar crops of St. Domingo became unproductive, or, in other words, the price of sugar would immediately rise all over the world, and then, instead of the 10*s*. reduction of the protective duty going into the pockets of the people of this country, it would of necessity be absorbed in the great increase which must take place in the price of Foreign sugar. It was impossible to deny but that the object of the protection was to a certain extent to give some advantage to the West India proprietors—an advantage to which he considered they were fully entitled, from the unfavourable position in which they had been placed by the Legislature of this country; but he should, at the same time, beg leave altogether to deny that there was any foundation for the argument of the hon. Member for Stockport, that the tax levied from off the people of this country on account of the protective duty, was to be measured by the amount of that protection, and the quantity of the sugar imported from those Colonies. Now what was the state of things a few years ago, when they were raising more than a sufficient quantity of sugar in the West India Colonies for the home market? At that time the differential duty was 39*s*. a cwt. on Foreign sugar, while the cost price of sugar in the market was no more, he believed, than 34*s*. a cwt., an amount much below that of the differential duty. Would it be alleged that the price of sugar in this country could at that time be reduced—if the protective duty were repealed—by the amount of that protective duty, or, in other words, by more than the entire cost of the article. The argument of the hon. Gentleman was, therefore, evidently fallacious, and it was clear that the extent of the benefit conferred upon the West India Colonies by the protection extended to them must be measured by the proportion of sugar which they were able to send into this country, combined with the amount of the consumption of this country. If the West India Colonies were able to send over only an inconsiderable portion of that supply—say one-tenth or the one-twentieth part of the entire consumption of this country, and that the whole of the remainder had to be imported from foreign countries, then he would admit that there would be some ground for the argument of the hon. Member; but when the fact was different—when they were, as was really the case, expecting a much larger supply from the West India Colonies than the entire annual consumption of this country had amounted to for many years past—when they were coming to a position similar to that which prevailed prior to the year 1833, when the Colonies raised a sufficient supply not only for home consumption, but also for exportation to the Continent to a large extent—then he denied that the argument of the hon. Gentleman was at all applicable. He denied that when a high differential duty was imposed, the entire of that differential duty went into the pockets of the West India planters. On the contrary, so far from that being the case, he considered the protective duty to form but a very inconsiderable addition to the price of the article.

Sir *William Clay* said, the speech of the right hon. Baronet who had just sat down was perfectly beside the question before the House. The right hon. Baronet said, if there had been a surplus of sugar produced in their own Colonies beyond the entire consumption of this country, then the differential duty would not cause a tax upon the people of this country equal to the amount estimated by the hon. Member for Stockport. There could be no doubt of that fact; but the argument of his hon. Friend was founded on the supposition that the protective duty would raise the price of sugar. It was not denied that at the period to which the right hon. Baronet referred, when the Colonies produced more sugar than the consumption of this country amounted to, the differential duty of 39*s*. a cwt. did not raise the price of sugar in this country by an equal amount. But in the argument before the House it was supposed that a necessity would arise for importing Foreign sugar, and that supposition was founded on the statement of the right hon. Baronet (Sir Robert Peel), who had told them that it would be necessary for them to obtain a supply of Foreign sugar. It was on that condition, namely, that a supply of Foreign sugar would be required for the consumption of this country, that hon. Gentlemen on that (the Opposition) side of the House rested their argument that the differential duty would bear to the whole extent, or very nearly to the whole extent, of the protection upon the pockets of the people of this country. The right hon. Baronet would therefore permit him to say that he had entirely mistaken the argument of the hon. Member for Stockport. With respect to the other questions involved in the subject of the Sugar Duties, he would not then enter upon them, but would reserve his opposition to the measure introduced by the Government until the House was in Committee. He would then bring forward the Motion of which he had given notice as an amendment to the third Resolution, and until doing so he would forbear entering into the question at large. He could, not, however, hear the argument of the right hon. Baronet without standing up to observe that the right hon. Gentleman seemed altogether to have forgotten the case put forward by his hon. Friend the Member for Stockport.

Mr. *P. Borthwick* said, his object in rising was to meet the question put. Simple and concise, as the hon. and learned Member for Bath admitted it to be, that hon. and learned Gentleman had not clearly stated it to the House. The question was, not "By how much do you increase the price of sugar by the differential duty?" but, "Do you not increase the price by 10 guineas a ton?" Admitting that the people were taxed by the differential duty, the hon. Member asked, "Do you not tax them 10 guineas a ton?" He rose to ask the hon. Gentleman whether he was serious in putting that question or no? for they were to receive 230,000 tons of sugar from the West Indies, and 20,000 tons from foreign countries; and the hon. Gentleman said, "Because you put a differential duty of 10*s*. a cwt. on Foreign sugar, does it not follow that you put 10 guineas a ton on the price of the West India sugar consumed?" But as the consumer bought sugar as cheaply as he could, did it not follow that he would exhaust the market of the West Indian sugar at as cheap a price as he could purchase it, before he bought the taxed Foreign sugar? Would he not buy in the cheapest market? The increase in price was not therefore, 10*s.* a cwt., the amount of the differential tax, but a smaller increase, which was to be determined by the amount of sugar which was admitted into the market from Foreign countries. It was therefore clear that the answer to the question of the hon. Member for Stockport must be given in the negative, and that whatever sum the increase of price amounted to, it did not amount to 10*s.* a cwt. If the West Indies exported no sugar at all, in that case the direct amount of tax would be 10*s.* a cwt., but that was not the question they were considering; they were considering a question of fact, which was that 230,000 tons were coming from the West Indies, and only 20,000 tons were required from foreign countries to supply the deficiency. Were they going to pay 10*s.* a cwt. more for Foreign sugar before they proceeded to purchase West India sugar? He asked by what means the 20,000 tons of Foreign sugar were to increase the price of the 230,000 tons of West India sugar? He clearly admitted that this was a tax on this country, and that they could buy cheaper sugar from the market of the world if they took away the tax altogether. But who was to be blamed for that? They on the other side of the House, who had taxed the people of England 20,000,000*l.* to place the West Indians in the position in which we now found them, to cripple them in their resources of labour, and to prevent them providing sugar cheaply, because free labour was not to be found at any price. He believed that the West Indies could compete with the world in the produce of sugar, and needed no protection at all, if a well-considered plan of emancipation had been adopted. But hon. Members opposite had adopted a plan which had had the effect of crippling the powers of the West India productions, and now they must pay for their wisdom.

Mr *C Wood* was not then going into the question of the propriety of a protective duty, nor was he going to say a word in reply to the argument used by the hon Gentleman who had just sat down. He rose merely for the purpose of observing that the question before the House was the amount of loss sustained by this country on account of the protection given to Colonial sugar over sugar the produce of Foreign countries; and in the way of answer to that question, he did not think the slightest progress had been made by any of the hon. Members who had addressed the House in favour of the Ministerial plan. The right hon. Gentleman the Member for Newark had proposed to answer what he called the foolish question of his hon. Friend the Member for Stockport by at least as foolish a question (though it was not he, but the right hon. Gentleman, who designated it as such), put by the right hon. Baronet the First Lord of the Treasury; but he trusted that the matter would not be suffered to remain in such a position, but that some Member of the Government who had not yet spoken would give the House a plain answer to the plain question put by his hon. Friend the Member for Stockport. The Government did not deny that the intent of their measure was to impose a tax upon the people of this country in raising the price of sugar, for the avowed benefit of the producers of Colonial sugar. The right hon. Gentleman the Member for Newark said, that the estimate which had been made by the hon. Member for Stockport was the maximum tax which could be imposed upon the people of this country under the proposed protection. Of that there could be no doubt. If there were a sufficient supply of Foreign sugar for the market of this country, and if they were, notwithstanding, limited by means of the protective duty to the Colonial produce, then, undoubtedly, the maximum tax would fully equal the amount stated by the hon. Member for Stockport; but he (Mr. Wood) would not pretend to say that, under existing circumstances, that tax would reach to the sum stated by his hon. Friend. But yet it was not denied that in reality a tax to some amount would be paid by the people of this country on account of this protection. The right hon. Gentleman the Chancellor of the Exchequer, he believed, admitted the fact. The right hon. Baronet the Home Secretary expressed a similar opinion; and the right hon. Gentleman the Member for Newark had made no attempt to deny it. It could not, in fact, be denied, that to some extent a tax was imposed upon the people of this country for the benefit of the West India proprietors; and the question put by his hon. Friend the Member for Stockport was, what, in the opinion of the Government, did that tax amount to in the aggregate? His hon. Friend had stated that he estimated the amount thus put into the pockets of the West India interest at 2,300,000*l.* or some such sum.

His hon. Friend might be wrong in that estimate; but what his hon. Friend and the House had a right to know—and what the country had a right to know—what did the tax amount to which the Government put upon the population of the British islands, for the benefit of the West India proprietors? And to that question no answer had as yet been given.

Viscount *Sandon* said, he would answer the question of the hon. Gentleman by asking another. He would ask, in reply, what the amount of the tax was which the noble Lord opposite (Lord John Russell) proposed to levy, for the protection of the agricultural interests when he brought forward his Measure for imposing a fixed duty upon Foreign corn? The noble Lord, he believed, estimated the entire produce of the wheat crop of the country at something about 20,000,000 of quarters, and on what number of millions of quarters in addition did he intend to impose a tax upon the country. He asked that question at the time the measure had been brought forward, but he received no reply; and he now repeated, would hon. Gentlemen opposite consider it a sound argument, if he alleged that the effect of the noble Lord's plan would, if carried out, be to impose a tax of 10,000,000 of money upon the country for the benefit of the landowners? The question of the exact amount which was paid to the West Indian proprietors in the shape of protection, was one which, in his opinion, nobody could answer. The only attempt at answering it which had been at all made, was that of the hon. Member for Stockport himself, and his calculation had been disavowed by every hon. Member who had spoken subsequently on both sides of the House. In fact, the hon. Gentleman appeared to be rather unintelligible even to himself. It must be clear to every one that it was impossible to ascertain what the precise annual amount paid away in protection to the West India interests might be. It could not be denied but that some advantage was given to the Colonial proprietors by this protection. ["Hear."] Hon. Gentlemen sitting in front of the Opposition Benches should not cheer until they found themselves out of the scrape; for were they not themselves all protectionists, with the exception, perhaps, of the noble Lord the Member for Sunderland alone? They ought, therefore, not to suffer themselves to be carried away by the allegation that protection implied a certain amount of taxation upon the population of this country. Such an argument was totally fallacious, and however suited it might be to the atmosphere of Covent-garden, it ought not to have been put forward in that House. Every one knew that the price of sugar would be regulated by the supply and the demand. If the supply in the market were greater than the demand, the prices would fall, wholly irrespective of everything which might take place in Foreign countries. As to the calculation of the hon. Member for Stockport, it had been admitted to be incorrect by hon. Gentlemen on both sides of the House; and he believed if the question were maturely considered, it would be admitted with equal unanimity that nobody could by possibility solve the question in the year before, what the respective proportions would be between the supply and demand for every month of the succeeding year, so as to enable them to ascertain the average amount of duties paid upon Foreign sugars within that time. He would not then enter into the general question of protection of particular interests. He, would leave that matter to be supported by the noble Lord the Member for London, and the other hon. Members who sat with him upon the front benches—always excepting the noble Lord the Member for Sunderland, who, he believed, was opposed to protective duties altogether. The Members on that (the Ministerial) side of the House were always put forward in the front of the battle in such questions, as if they alone were responsible for principles which were shared in common with them by the noble Lord opposite and his party. He had merely risen for the purpose of expressing his opinion that the amount of taxation caused by protective duties could not be measured by any mere question of differential duty, and that it was utterly impossible to ascertain that amount beforehand.

Mr. *Milner Gibson* believed it was an undoubted fact that the price of Foreign sugars during the past year was but 21*s.*; while the price of Colonial sugars was 34*s.* The consequence was, therefore, that a sum of 13*s.* for every cwt. of sugar used in the country had been squeezed out of the pockets of the public by the protective duties of the Government. A sum of 13*s.* per cwt., on an average, upon all sugars, was squeezed out of the pockets of the British public by their system of protection; and the Government having been successful in that attempt, were now reserving to themselves the power of squeezing from their pockets, in the same manner, 10*s.* 6*d.* per cwt. on all sugars imported for consumption into this country in the ensuing year. That is, they were adopting means by which the public would be compelled to pay half-a-guinea per cwt. more for their sugar in England than they could get it in any market in the rest of the world. That could not be denied, and he should therefore maintain that the fact might go forth to the country, that the Government were prepared, as had been stated by his hon. Friend the Member for Stockport, to hand over the full sum of 2,300,000*l.* out of the taxes paid by the British public to West India proprietors. The Government handed over to the same interests, within the last year, 2,600,000*l.* taken out of the pockets of the people of this country, by exacting the differential duty of 13*s.* per cwt., and they were now prepared to follow up that act by giving a further sum of 2,300,000*l.* in the same manner. The right hon. Gentleman the Member for Newark did not deny that the result would be so. He had merely asserted that the hon. Member for Stockport had not proved that such would be the case. The result might be what his hon. Friend had calculated, and at all events the Government did all they could to make it so. They invited the House to do their utmost to transfer the sum of 2,300,000*l.* to the Colonial proprietors out of the Exchequer of this country.

Mr. *Brotherton* said, he thought they ought to form their estimate of the future by looking to the past. On looking to the result for the last five years, he found that the public were obliged to pay an average of 19*s.* 4*d.* more per cwt. for British plantation sugar than they would have to pay for Foreign sugar if there had been no protective duty. The noble Lord the Member for Liverpool wished to know what the amount of the tax taken out of the pockets of the people in favour of the agricultural interest would be under a duty of 8*s.* a quarter, supposing that 20,000,000 of quarters of corn were grown in the country. He would answer the noble Lord at once, and tell him, as he had often said before, that that tax would amount to 8,000,000*l.* sterling. He recollected that, when he had been solicited to vote in favour of the 20,000,000*l* being granted for the emancipation of the negroes, some gentlemen from Liverpool assured him that, if he complied with their wishes in that respect, the country would, in a short time, be saved the annual amount which it paid in the shape of protection duties to the West India planters, and that they would in that manner get back the entire twenty millions again in a few years. But he had there a Return published in 1841 by order of the Board of Trade, showing that so far from that being the case, the country had, since paying the twenty millions, given away no less than nineteen or twenty millions more to the planters in the shape of protecting duties. It was but a weak argument to address to the House, that if they gave the West India interest 4,000,000*l.* in protection duties, they would in Return take some 3,000,000*l.* worth of manufactures from England. It would, in his opinion, be better to give them at once some fixed sum, say 20,000,000*l.* more, than to continue the present enormous amount of protection.

Mr. *Mitchell* said, there was a great difference between the case of a fixed duty upon corn referred to by the noble Lord, if only some small quantity of 3,000 quarters were imported for the purpose, perhaps, of improving the inferior quality of the home produce, and the case of sugar, in which, according to the right hon. Baronet, there would be as much as 20,000 out of 250,000 tons imported from foreign countries. He admitted that if the protective duties were at once taken off, there would be a rise in the price of Foreign sugar; but what did he care for an increase in the price of the article in this country, when the same increase must take place in all the Continental markets. The complaint made by the flax, and cotton, and woollen manufacturers of England was, that they could not compete with the Foreign manufacturers, as long as they had to pay higher prices for their sugar and their corn than were paid in the Continental markets; and he cared not whether an equalization were caused by a rise in the Foreign markets or by a fall in the markets at home; in either case the result would be the same, in relieving their manufacturers from the inequality to which he had alluded.

Mr. *Villiers* said, he thought if the right hon. Gentleman the late President of the Board of Trade were right in his estimation of the argument of the hon. Member for Stockport, then his hon.

Friend had been very fortunate in the result which he had drawn forth. The right hon. Gentleman said that his hon. Friend had not put forward his question with the view of eliciting information; and if that were the fact, then his hon. Friend certainly had been very successful. The public would, he was convinced, think it rather curious that a question of such a nature should be dealt with as that had been. The only reply which had been given to it was, what had been called a foolish question, and the rather indiscreet remarks of the noble Lord the Member for Liverpool. But nothing like a distinct answer had been given or attempted. The public were told by that House, that they were to be taxed to an enormous amount for the protection of the West India proprietors, and when they asked what the amount of that taxation was to be, they could get no answer. The hon. Member for Evesham put a question which he said was that which the hon. Member for Stockport ought to have. His hon. Friend had asked the loss which the country would sustain by the protection afforded to the West Indian interests; but instead of replying to that question, the hon. Gentleman went to tell them something about the difference in the prices of Foreign and Colonial sugars. They were told by the right hon. Gentleman, that without protection those most valuable possessions of Her Majesty — the West India Colonies—must be lost. There was then a price paid annually by this country for the protection of the West Indies, in the shape of an addition to the cost of sugar; but surely the Government could tell what that price was. They could surely inform the House what the cost of sugar was in the West Indies, what it sold at here, and what it should be sold at to compete with Foreign sugars. They wanted to know how much was really given to the West Indians. They had had no answer from the Government, but there was a Gentleman connected with the Board of Trade, who had written a most valuable work, which contained information on this point. He alluded to Mr. Porter, the author of the "*Progress of the Nation,*" which was founded on Parliamentary and official documents, and he wished to call the attention of the right hon. Gentleman to a statement in that work. Mr. Porter states, as a fact, that in 1841 the people of this country paid in one year 5,000,000*l.* more than the price which the inhabitants of other countries in Europe would have paid for an equal quantity of sugar. Mr. Porter, in this work, the authority of which he had never heard disputed, had also stated another curious circumstance, which was, that the cost of a like quantity of Brazil or Havannah sugar, of equal quality to that which we receive from our Conies, would have been rather more than 4 000,000*l.*, so that if they had given them that amount they would still have the benefit of having 1,000,000*l.* a-year in their pockets. If any hon. Member near him had made such a statement, he would have been charged with exaggeration, but this was the statement of a functionary of the Board of Trade. Whoever got this, it was taken from the people, and was a loss to them, and it was immaterial to them who had it, and their constant inquiry was, why they should be called upon to make such a sacrifice?

Lord *John Manners* wished to ask the hon. Member for Wolverhampton, whether he intended to say, that as far as sugar was concerned, he preferred a sliding scale to a fixed duty?

Mr. *Thornely* said, that he held in his hand a Parliamentary Paper, which threw a great deal of light on the sugar question, both as regarded the consumer in this country and the price of it. The Paper to which he alluded was moved for by the hon. Member for Lambeth on the 2nd of May, 1843. It appeared from this document, that in the year 1840, the quantity of sugar retained for consumption in this country, was 3,764,000 cwt. In one column he found it stated that the average price, according to the returns in the *Gazette* for that year, to consumers of British plantation sugar, was 49*s.* 2*d.* per cwt. He also found from the merchants' prices current, that the average price of Foreign sugar was 21*s.* 6*d.* The difference, therefore, between the price of British plantation sugar, as stated in the *Gazette*, and of yellow and brown Brazilian, and other Foreign sugar, was 27*s.* 8*d.* on each cwt. Taking the average consumption at 3,764,000 cwt., and the difference of price, there would be an increased charge to the consumer, either in the shape of protection or tax, to the large amount of 4,957,875*l.*, which was only 40,000*l.* less than 5,000,000*l.* sterling.

Mr. *Kemble* observed, that little or no authority should be attached to such calculations. It was his firm conviction that if they got rid of the protection duty, and admitted all sugars, they would not be able to obtain a sufficient supply to satisfy the demand. The high price that our Colonial West Indian bore, was occasioned by the circumstance that the Colonies were compelled to send all their sugar to this country. If the advice of Gentlemen opposite were taken, and our Colonies ceased to produce it, the price of Brazilian sugar would run within a short time to the price of British Colonial.

Mr. *M. P. Stewart*, connected as he was with that unpopular body the West Indians, could not help rising to answer some of the charges which had been made by the hon. Gentlemen sitting on the same side of the House as himself. An hon. Member having stated the amount of protection, asked how much it added to the rise in the price of sugar. They had been challenged as to the amount of the tax which it was alleged the people had to pay in consequence of this; but he would remind the House that the whole of the difficulty had arisen from the nature of the legislation which the House had chosen to adopt. The hon. Member for Salford had stated, in the course of his speech, that a Liverpool friend of his induced him to vote for the grant of 20,000,000*l.* compensation, but which sum, by the by, only amounted to 15,500,000*l.*, by telling him that such would be the effect in the West Indies, that the people of this country would get it all back in the course of a few years. There was no doubt but that this Gentleman founded his opinion on the supposition that when the Legislature of this country took away the system of forced labour in the Colonies, which he conceived was perfectly right, and had received at the time his humble and cordial support, that it would assist the Colonies in supplying this forced labour by ample free labour. Instead of doing so, it threw every hindrance and obstacle in the way to prevent a supply of free labour to the Colonies. The result had been that the produce of sugar in the West Indian Colonies, which was 205,000 tons in 1833, was now only 107,000 tons; and at the same time the cost of production had immensely increased. When he was told to search for the cause of this, his reply was, that it was occasioned by their refusing to allow the emigration of labour from other Colonies of the Empire where there was a superabundance of labour, to those where was such a striking deficiency. Why, he would ask, should they not do so? The Legislature had appointed stipendiary magistrates to all those Colonies; and therefore there existed in those places ample means of affording protection to all who might emigrate to them. But for the unwillingness of the House to agree to this, the natural result would have been a great reduction in the cost of producing sugar, and instead of, as formerly, there being only 200,000 tons, those Colonies, without looking to the Mauritius and the East Indies, would have increased the growth to such an extent, that a large quantity of sugar would be left for exportation to other countries. If they intended to deal with the old Colonies as if, as some hon. Members had described them, they were worse than nothing, the sooner they did so the better; but do not let the House forget that the unfortunate situation of the West Indian Colonies was owing to its own proceedings. If these Colonies were to meet the competition of the world, he would say that they did not shrink from it. All that they demanded was, "give us an ample supply of free labour, and take off those differential duties which press so heavily upon us; let us carry our produce where we like, and let us take the manufactures we require from whom we like; but, above all, take off the differential duty between British spirits and the rum of the Colonies." On British spirits made from corn—for distillation from sugar and molasses was prevented—the duty was 7*s.* 10*d.* the gallon, on spirits in Scotland, 3*s.* 8*d.*, and on spirits in Ireland, 2*s.* 8*d.*, while the duty on Colonial spirits was 9*s.* 4*d.* The consequence was, that the proportionate consumption of rum, compared with home British spirits was one-fourth in England, with Scotch spirits in Scotland, was one to 123, and with Irish spirits in Ireland, was as one to 600. If they were to be thrown into immediate competition with the foreign producer of sugar, let it be a fair stage, and let it be, as it should be, not with all advantages against them; but do not let them be kept down under the effect of your ill-advised legislation. By the latter observation he did not mean emancipation, but he alluded to other matters; and above all, he would say, let them have free labour, and they might take off all protection. He would also say that they should allow West India sugar and molasses to be used in our Colonies. He therefore called upon the House to treat their Colonies as if they were integral parts of the Empire, and in the same way in which they treated their other Colonies. Let them be treated as Canada had been, and allow their produce to come in free; let them be regarded as friends, and not treated as a malignant race, for such had been the case, as regarded the treatment of the body to which he belonged; do not visit them with contumely, but treat them with justice, and the result would be, that in time of peace, and above all in time of war, if it unfortunately should occur, you would find these Colonies again become one of your strongest means of defence.

Mr. *Escott* said, that in all cases of protection, every interest in turn complained most loudly if any proposition was made to touch the duties particularly affecting itself. It was always said that such removal should be accompanied with some concomitant change for their advantage. This was the case with the hon. Gentleman who had just sat down. He was entirely for free trade in all other matters, but when they came to West India produce, he was against it, unless some other advantage was given to the Colonists. He was not surprised that the hon. Member for Stockport had not received an answer to his question as to how much these protective duties, in this case, added to the cost to the consumer. This question could not receive, and had not received, a direct answer, yet it certainly was a very important question. If the hon. Member had not received a direct answer, he had at least elicited the admission that some portion of the amount of it operated as so much additional cost to the article. This had been admitted by the right hon. Member for Newark. He recollected last year that it was admitted that some proportion of the amount of the protective duty was an addition to the cost of the article. He (Mr. Escott) never had held an opinion in favour of a protecting duty, on the ground that it was so much added to the cost of the article. He was only for such an amount as would protect those engaged in the production of the article in securing a sufficient supply for the consumption of the country. But immediately that it was admitted that it was imposed to increase the cost of the article, a very strong case was made out against such protection. Now, he thought that this was a very strong reason why the Sugar Duties should be passed for only one year, for if they operated as an additional cost to the consumer, even only in degree, it was wrong to continue them in perpetuity. He was, however, very far from thinking that they could do every thing at once in the course of removing restrictions on our trade, and the supply of the articles of commerce; for those who had hitherto been protected would be exposed to such competition as would be ruinous to them. He was far from agreeing with the hon. Member for Bath that it would be advisable to throw the Colonies overboard, as they were a cost to the country. He did not believe that such was the feeling of the country, or that any measure for such a purpose could pass this House, or that any thing could be devised which would be less agreeable to the country. He believed that it was most advisable that the Colonies should be maintained, and that they should be governed in the same manner as this country, for it was only by treating them as integral portions of the Empire, that they could expect to derive advantage from them. He considered that Colonial establishments were most advantageous to this country, as they afforded places of resort to any surplus portion of the population of the Empire. They were monuments of our power, and great branches of our national greatness; they could not be neglected by British Statesmen. And this measure had his support, not because he thought that it was or ought to be permanent; but because, while it inflicted no injury on the Colonies, it was a great benefit to the consumers of this article of Colonial produce.

Mr. *Darby* was satisfied that the calculations of the hon. Members opposite were erroneous, and that it was perfectly impossible to make out a case to show that the Sugar Duties had increased the cost of the article to the consumers in this country five millions. He was satisfied, if they destroyed the differential duties, that before the termination of five years the consumers would have to pay more for their sugar than they did at present. It would put an end to the production of sugar in our West India colonies, and when that was completed, the people of this country would be in a worse condition than they now were with these protecting duties. He believed that in the long run protection was for the advantage of the consumer, as it operated as an encouragement to the production of the article.

Mr. *Bright* could not help observing

that the right hon. Baronet, and those who sat near him, had been exceedingly silent since his hon. Friend the Member for Stockport put a question on the subject of these duties. The right hon. Baronet evidently wished to avoid being led into an admission, in a case like the present; but whenever there was any sophistry to be put forward which would silence an opponent, the right hon. Baronet was a most active and efficient debater. In the course of that night the right hon. Baronet could not make it appear that these differential duties did not operate as a grievous tax on commerce; and he, therefore, was silent. The right hon. Gentleman sat by, while those around him, for whose language he was not involved or damaged, stood forward. He had been much amused with the ingenious speech of the late President of the Board of Trade. He could not, however, help believing that there was something more in it than a desire to support the views of the Government; that there was a deep feeling of personal interest at the bottom. He conceived that there was some reason for this inference, for they never saw a discussion on the Sugar question occur in that House, but that a Gentleman, a relation of the right hon. Gentleman, figured in one of the morning papers on the subject, and apparently issued a manifesto or command to the Government as to the measures which they were to bring forward respecting sugar. The right hon. Gentleman was not in the same position that he was in last year, for he was not now connected with the Government, but was a volunteer defender of this measure. He should like to know whether this arose from his love of the Government, or from his love of the sugar planters. The right hon. Gentleman sat there as the representative of the town of Newark. He (Mr. Bright) knew not how far the inhabitants of the town of Newark were involved in keeping up the price of sugar; but he could understand how the relative of a sugar planter was interested in enhancing the price of the article. The noble Lord the Member for Liverpool had come forward to the relief of the Government, and he had said that the amount of this tax, so levied, could not be measured. He (Mr. Bright) believed that the depth of the noble Lord's understanding on this point could not be fathomed. The noble Lord had said, that nothing could be wilder than the making speculative speeches in that House on the Sugar Duties. Now he recollected that five years ago the noble Lord, immediately on the Sugar Duties being brought forward, was not so squeamish in making a Motion on them, the result of which involved the existence of the Government. On that Motion the Government was out-voted and overturned. The noble Lord said that the effect of this tax could not be measured; but he said, that it was a tax which would be felt very severely. The right hon. Baronet wished to establish a high reputation to himself as a financier; but what must be the character of his system of finance, which inflicted a tax on the country which one of his own supporters said could not be measured? The question of his hon. Friend should be answered, how much of this tax fell upon the labouring classes in the manufacturing districts, or on the agricultural pauper population. The other day the *Morning Post* said, that these duties could not interfere with the agricultural population, as they did not consume much sugar, and that in Dorsetshire and Hampshire sugar was, in the small shops, constantly made up into penny and halfpenny parcels for that class. Now, was it not fair that this class should not only know the object of the tax, but how much each of them paid towards it, in each of their small packages of sugar? No Minister had a right to sit still in a case like this, and refuse in such a case to answer a straightforward and simple question. He would suggest to the noble Lord a mode by which the amount of this tax could be measured. A calculation might be made as to the amount that could be obtained from each Colony. The House should apportion in the Estimates, every year, a certain sum to be given to the producers of sugar in the Colonies—say seven, eight, or nine shillings the cwt. for every cwt. of sugar imported into this country. He did not know how such accounts were kept by the Government; but he would suggest that, in the books for this purpose, such entries as the following should be made:—Paid to the right hon. Henry Goulburn so much per cwt., for so much sugar produced on his property in the West Indies, and shipped and landed in this country. Again: Paid to John Gladstone, Esq., of Fasque, near Pitcar, Scotland, on account of so much sugar produced by him, and landed in this country. The right hon. Gentleman opposite might say that this was a very unparliamentary way of stating the question. It might be so; but the opinion of Parliament on such a point was not the opinion of the country. The people out of the House must have an especial interest in having sugar at its natural price. The noble Lord might not care whether he paid a penny or two a pound more for his sugar; but the people who had to work six days in the week in Lancashire for a maintenance, or those who were employed in labour in the agricultural districts, had a direct interest and a strong desire to procure their sugar at its natural price. He might have done injustice to the Chancellor of the Exchequer and his late Colleague; but it appeared to him that nothing stirred up the eloquence or brought out the ingenuity of the latter right hon. Gentleman so much as sugar; it appeared as if all his filial feelings were involved in the question, and that his very family connexion with sugar brought out all his eloquence. He hoped that it was not so; but that the interests of the public were as powerful with him as any private consideration. He anxiously wished, however, that those persons who were interested in levying a tax on the whole community for the benefit of one particular class, should not be Members of the Government; for if, as the noble Lord said, the effect and amount of this tax could not be measured, ought it not to be that men taking office in the Government of the country should have clean hands on such questions, and that they should be such as looked to the public interest, and not to class interests? He repeated, that the question of his hon. Friend had not been answered. It was admitted that a very heavy tax was imposed on the consumer merely for the benefit of the growers of sugar. The noble Lord said that the amount could not be measured; but several Gentlemen on that side of the House had shown that it amounted to upwards of two millions a year. The only excuse made for this was, that there was some deficiency in the supply of labour in the West Indies; but this did not apply to the Mauritius or the East Indies. No Member of the Government had stated any reason, good, bad, or indifferent; and that night, as well as upon a previous evening, the right hon. Baronet the Member for Stamford had carefully avoided alluding to the subject, why the people of this country should be taxed in this way for the sugar from Mauritius or the East Indies. The right hon. Member for Newark, when he spoke behind the Treasury benches, said that he gave up the question of the Mauritius and the East Indies; but he defended the tax as regarded the West Indies, in consequence of the deficiency of labour in those Colonies, and also in consequence of so many of the planters being absentees. Why not, he (Mr. Bright) would ask, send these planters back? But if this was a just reason for the continuance of this system, it would be continued until all the Members of that House were sleeping with their fathers, as well as their sons after them. The Government did not treat either the House or the country with respect, if they did not afford some answer to the question put to them.

Mr. *Entwisle* said, the hon. Member for Durham had got rid of the urbanity which marked his speech on the Game Laws the other night. He was again himself; and he congratulated the hon. Member, if not the House, on the restoration. The question of the hon. Member for Stockport—if he (Mr. Entwisle) understood it rightly — was, whether ten guineas a ton on Foreign free-labour sugar did not impose a tax in favour of the West Indies to the amount of 2,500,000*l.* The hon. Member also said, that Foreign sugar was at 21*s.*, and British at 34*s.*, making a difference of 13*s.*; but he wanted to ask whether he meant Foreign free-labour sugar, or slave-labour sugar? [Mr. *Gibson:* They are just the same price.] Then, with regard to the free-labour sugar, he would ask whether the hon. Member did not know, that when the Resolutions of the House of Commons of last year got out to the Mauritius, there was immediately a rise there of several shillings the cwt.? Now, if that cause produced a rise in sugar there last year, would not taking off the differential duties altogether have the effect of increasing the price of Foreign sugar generally? If that was a fair inference, he could not go with the hon. Member to the extent he went in saying, that the amount of the tax this country paid equalled the amount of the differential duty; but, the question having been asked by the hon. Member, he would offer this remark in return—that he did not believe that, if they were now to reduce the differential duties altogether, the price of sugar in three, four, or, at most, five years, would be materially reduced to the consumer in this country.

Mr. *Ward* thought the hon. Gentleman who had just addressed the House had put a very unfair construction on the speech of the hon. Member for Durham, whose remarks he seemed to suppose were in some measure personal. The hon. Member for Durham believed, in common with many others, that the effect of the protective duty was to put a sum of money into the pockets of those Gentlemen for whose benefit it was continued; and he therefore proposed, as a preferable plan for those persons who were interested in the question—as the Chancellor of the Exchequer and the father of the late President of the Board of Trade (Mr. Gladstone)—that they should draw checks on the Public Treasury for sums proportioned to the extent of their exports from the Colonies, and that the public should be allowed to buy their sugar in the markets of the world. He considered there was no lack of urbanity in that proposal: he thought there was a great deal of truth in it. It would afford the same indemnity to the planter, while the people of this country would be able to buy their sugar in the markets of the world, without being fettered by any absurd distinctions between slave-labour and free-labour produce. He was convinced that no distinction ever could be maintained in the makets of the world, or even in our own markets, between slave-grown and free-grown sugar. But the hon. Member for South Lancashire expressed his conviction, that if all protective duties were immediately removed, sugar would continue as dear, if it were not dearer, than at present. He was quite willing to take the chance of that. It had, in his opinion, been shown most indisputably that the difference between the sugars produced in British Colonies and imported into this country, and the sugars sold in the general markets of the world, had, during the whole of last year, averaged 13*l.* per ton. Now, would the noble Lord the Member for Liverpool (Lord Sandon) admit that this was a tolerably fair statement? If this were the fact, the effect of the law was to give that precise amount of protection to the Colonies. They were told that our Colonies were valuable possessions, and he would not attempt to dispute the truth of that assertion; but if this country was taxed to the amount of 2,400,000*l.* a year for the benefit of those Colonies, it became a question whether it was to our advantage to retain them, or to let them set up for themselves. Some hon. Gentlemen had urged the claims of the West India Colonists to protection; but what could be said on behalf of sugar producers in the East Indies? There was no place in the world where labour was so cheap as in the East Indies; and on what ground were they to give the East India producers a protecting duty of 10*s.* a cwt.? He believed that what his hon. Friend (Mr. Bright) had said with respect to the feeling of the right hon. Baronet (Sir R. Peel) on this subject, was perfectly true. He had narrowly watched the conduct of that right hon. Gentleman in this House; and he had never observed him enter on the consideration of any subject so reluctantly, so gingerly, and with such evident dislike, as on the question of the Sugar Duties. His firm belief was, that the opinion of the right hon. Baronet on this subject had been overruled, and that he was compelled to fight in that House a battle which he disapproved. He had no doubt the right hon. Baronet had distinctly stated to his Colleagues that the plan now before the House would involve them in inextricable difficulties; and he entertained a strong belief that the right hon. Gentleman was anxiously looking forward to next year, when he might come down to the House and say—"I was aware that great difficulties might be experienced in the working of the Government plan, and therefore I only consented to its enactment for a single year; but I am now convinced that the system cannot be maintained, and I intend to place it on a more simple and a more satisfactory footing."

Mr. *James* was sure that the House must be wearied of this discussion—most assuredly he was. Hon. Members questioned the right of the West Indies to protection; the question in his mind was, whether, instead of two, or three, or four millions, they were not entitled to forty millions. Suppose an Act of Parliament were to compel him, as a Cumberland landowner, to employ no labourers on his lands but his own actual parishioners, these being few in number, and having a monopoly of their labour, while his neighbours were allowed to press into their service any number of labourers they could collect, and compel them to work for merely their food, producing thus a better article at a far smaller cost;—should he not have full right to compensation under such circumstances? This was precisely the case of the West India planters; and, therefore, they were fully entitled to protection—if you like to call it protection.

Mr. *Ricardo* said, it was a most preposterous thing on the part of the West India planters, that, having paid them 20,000,000*l.* of compensation money for emancipating their slaves, involving us in an additional charge of 700,000*l.* or 800,000*l.* per annum, they should now call upon us—for that was the literal fact—to pay them between 2,000,000*l.* and 3,000,000*l.* a year more.—tantamount to a further compensation payment of not 20,000,000*l.*, but of 100,000,000*l.* It was most extraordinary, too, that they could not get the right hon. Baronet to reply to the simple question—what is it you are going to give the West India planters? It was no defect of the calculative powers that prevented the right hon. Baronet from giving the desired information. He knew to a pound what he should get from the Income Tax, from this tax and the other tax; and what he should lose by the 240 articles of taxation he gave up. Why, then, merely because the Sugar Duties were a waste of the consumer's means, and did not come into the Exchequer, could he not tell what the result of them to the West India planters would be? The right hon. Gentleman the Member for Newark had said that they did not ask this question to obtain information. This was, he at once admitted, perfectly true. He or his friends were at no loss for information on the subject: they had plenty of information. They had formed close calculations. What they wanted of the right hon. Baronet was, that he should either affirm or deny what they stated. If he persisted in doing neither the one nor the other, they must take it for granted that he admitted their statements to be correct.

Mr. *Muntz* was not prepared to deny that the West Indians were entitled to some compensation; but whatever bonus was given them, let it be done in a straightforward and intelligible manner, and let Parliament have the credit of it.

House went into Committee.

The *Chancellor of the Exchequer* said, that he rose to explain to the Committee the grounds on which he thought it advisable to adhere, in substance, to the proposition he had on a former occasion laid before the House in reference to the Sugar Duties for the ensuing year. He should not be diverted from the prosecution of that task by any of the various topics which had been introduced preliminary to the discussion which was fixed for this evening. He was quite willing to admit that the attempt to impose a discriminating duty upon sugar, according to its qualities, was accompanied with considerable difficulty. He had never concealed from himself that it was always a matter of difficulty to impose duties of this description; and that difficulty was enhanced when the course proposed to be pursued involved a departure from the practice which had hitherto prevailed; for there was in commercial transactions, as in the other transactions of life, a force and power of habit which so wedded persons to existing systems, and rendered them so alive to the difficulties of alteration, that they were in general extremely unwilling to sanction any deviation from the course to which they had been accustomed. But, while he made this admission fairly and openly, he must be allowed to advert to those admissions which had been made on the other side by persons who differed from him with regard to the views he held on this subject. It was admitted—he would not say on all hands, but generally—that a distinctive duty upon sugar was, in itself, a desirable object; that, considering the variety of qualities between the lower and higher classes of that article, the duty should be in some degree proportioned to the different value of the extremes of those qualities. He thought it would also be admitted by all who had given the subject consideration, that some distinction must be preserved between refined sugar and sugar introduced in a state short of refinement. He was anxious, then, that the House should, throughout the observations it would be his duty to make, bear in mind these two admitted principles—first, that the distinctive duty, if practicable, was just in principle, and that its maintenance was desirable and expedient; and secondly, that in any system of Sugar Duties one distinction at least, that between sugar refined and sugar unrefined, must be maintained. The question which, as it appeared to him, the Committee had to decide, was this—whether, on account of the difficulties which were supposed to attend the introduction of a second distinctive duty, they would abandon a measure which, abstractedly considered, they believed to be just in principle, and desirable to every interest concerned. The House must bear in mind the effect of the decision to which they might come upon this question. They were now practically entering upon a new era with respect to the Sugar Duties; they were, for the first time, admitting to competition with the produce of their own Colonies, the produce of certain Foreign countries; and they must endeavour to adopt such a course as would be equitable and convenient to the consumers of this country, due regard being had to the various interests of other parties concerned. They knew from experience that there were some descriptions of Foreign sugar which were of a higher quality, in their respective classes, than the corresponding descriptions of sugar produced in our own Colonies; and those better qualities were, in fact, more valuable, because more productive for the purposes for which they were used. It had already been observed this evening, that if Colonial sugar of every quality was admitted to the markets of this country at the same rate of duty, and Foreign sugar subjected to one rate of duty also, the result would be, that the lower qualities of sugar, either raw or clayed, which were consumed by the poor, would not be imported. He contended that they must adopt the same principle with regard to Foreign sugar, as with regard to their own sugar. Nor would such a system be without beneficial results; for by enabling the lower class of sugars, which principally entered into the consumption of the lower orders, to be charged with the lower rates of duty, they did, in fact, diminish to the poorer people the price of the article which they consumed, but which would be enhanced if subjected to the same duty as that on the better description of sugar brought into the market. The Committee must also consider, if on the present occasion, when they were making this change in the Sugar Duties, they should, in consideration of the difficulties with which the plan might be attended, consent to abandon it; that they abandoned it not then only, but for ever. They must, if they rejected it then, give up the hope of ever introducing a system which was admitted to be desirable, equitable in principle, just to all classes, and most expedient. It therefore behoved them well to consider whether they could not effect a system of classification which should effect their object, without having anything in its details which should render it impossible to be carried out. Whatever might be their position, it was admitted on all hands that they must be prepared to meet the difficulty as concerned refined sugar; for no one would maintain that on refined Foreign sugar they should not place a higher duty than on sugar of inferior character: to the refiner of this country such a course would be manifestly unjust; nor would it be more just to the Revenue to admit refined sugar at a low duty, giving it on export a drawback as refined. To equalize, therefore, the duty upon clayed and refined sugar would hardly, he thought, be insisted on. A great difficulty had been raised on this question as to the means of discriminating between the different sugars; that difficulty, however, had been found to be not insurmountable. It had, no doubt, led to discussion, and, in some measure, to a diversity of decisions; but, upon the whole, in practice it had been found that the object could be effected. Generally speaking, the distinction between refined and clayed sugar had been so clearly marked as to enable the public to avoid the evils which would have been found to exist if refined sugar had been admitted at the duty of clayed. Yet, if hon. Gentlemen had only had the opportunity of seeing samples of the different qualities, he thought it would, in particular cases, require an eye of great experience to mark clearly the distinction between refined sugar which ought to receive a drawback upon exportation, and sugar nearly equal to refined, though of an inferior description. That discrimination, however, had been made; and that by means of standard samples of the article. When they spoke, therefore, of the difficulties which must necessarily attend the introduction of a new classification in sugar, they must bear in mind, whatever might be the difficulties in the way, that they had practically, for a long series of years, effectually acted on the principle of discriminating duties on two classes of sugar, the confines of which were as difficult to be defined as were the confines between white-clayed and Muscovado. It might, perhaps, be urged in the course of the debate, as an argument against the discriminating duty which he proposed to establish, that a discrimination of a similar nature had existed in former times, and had been, after a certain experience, abandoned. He could not say that he was fully prepared to admit that argument as an evidence of the impracticability of the arrangement which he proposed to adopt. If that system had been abandoned in 1823, it must be remembered that it had worked for twenty-three years without interruption, whilst the discrimination was only between Muscovado and clayed sugar. As long as the imported sugar of this country was confined to the West Indian Colonies, no difficulty occurred in distinguishing the produce of those Colonies — that which came within the class of Muscovado and clayed sugars; and it was only at a subsequent period, when the same rule was attempted to be applied to sugar of the East Indies, that the difficulties arose which were detailed in the Papers before the House, and which had led to a change in the form. It was then ascertained that all the sugar from the East Indies was clayed; and it was attempted, on the part of those who had an interest in the West Indies, to exclude all that sugar from being introduced at the lower rate. It eventually came to this—that the discrimination was done away with, and an increased duty was for the future laid on all sugar of the East Indies. It behoved the Committee, in considering the subject of discriminating duties, to see what was the practice of other countries with respect to the imposition of duties upon sugar. There was on the Table of the House a great variety of Customs' Tariffs, which had been prepared by the industry of an individual holding office under the Government, on the accuracy of which they might unhesitatingly depend; and he did hope, that hon. Gentlemen who thought that the proposed system was so utterly impracticable would look through those Tariffs, and would see in how many cases discriminations of this nature existed in countries which were importers of sugar. In almost every European country there was the distinction between refined and unrefined sugar which he proposed to adopt. If they looked to other classes of sugar they would find distinctions also. Denmark, which imposed on raw brown sugar a duty of 4*s*., placed 8*s*. 3*d*. on raw white, whilst on refined sugar the duty was prohibitory. In Sweden, the duty on refined sugar was much more than on white powdered, which, again, was greater than that on brown sugar. Then, if they looked to France, and the United States, the two largest importing countries of sugar, next to Great Britain, they would find (France importing 85,000 tons annually, and the United States 65,000 tons) that a principle strictly analogous to that which he recommended to the Committee had been acted upon for a long time, and had been found effective and successful. If they looked at the French Tariff, they would see that the French had three distinct degrees answering to Muscovado, white clayed, and refined. In the United States' Tariff, they would find equally the triple division. He could not think so ill of the business habits of persons in this country as to suppose that that which was practicable in other countries, where the importation and consumption of sugar were great, could be impracticable in our own country, the skill and integrity of whose officers could not be less than the skill and integrity of the officers of other countries. He would say, then, that in the experience of other nations, he saw a strong reason for believing that the adoption of discriminating duties might be, without great difficulty, properly carried into effect in this country. Another criterion by which he would wish to be guided upon such a matter as this, would be the opinion of persons in this country conversant with the trade. So far as regarded the opinion of those to whom the Government must necessarily look for information in matters of this nature—he meant the Custom House—he had before him the Report of the Chairman of Customs, stating the reasons which had influenced him in recommending a discriminating duty intermediate between brown and refined sugar. On conferring — as he had done since he had last addressed the House—not only with the Customs' Officers of the Port of London, but with those of other ports also, he found, that though not insensible to some difficulties in the way of the proposed classification, they did not conceive those difficulties to be insurmountable; but considered that, on the whole, the attempt to discriminate between the different sugars was one which ought to be made, and which might be carried into effect. He had also extended his inquiries beyond those who were officially connected with the Government. He had communicated with various persons connected practically with the trade of this country, and he had found some certainly indisposed towards the measure, whilst others were of a different opinion, stating that though aware of the difficulty, they believed the plan to be practicable and beneficial; and he might say, with respect to those who were opposed to it, that he had since heard admissions even from them which gave him reason to doubt the soundness of their opinions. He believed the general opinion to be, that it was practicable; he knew that it was the daily practice of all connected with the sugar trade to judge accurately of the difference between the various qualities of sugar. That was constantly done in the simple operation of buying and selling by the trader; and they might deduce the strongest proof of the possibility of deciding between sugars, from the practice which had come recently unto his knowledge, with respect to the introduction of sugar from Java. It was a known fact that the sugar produced in Java was divided into no less than 22 qualities, of which samples were sent to Europe; and when any one wanted a particular quality, all he had to do was to send out the "number" of the sugar, whether "12," or "15," or "20," or any other number up to 22, and it would be sent him. If that were practicable for the purposes of trade, he could see no reason why it should not be equally practicable for the purpose of estimating the duty to be imposed. He had, however, not limited his inquiry to personal communication with persons engaged in the sugar trade in the metropolis; but a meeting had been called by the Collector of Customs at Liverpool, where all had the opportunity of attending, with the view of considering the practicability of making an arrangement for the enforcement of a discriminating duty; there was there, undoubtedly, a division of opinion; but the majority decided that a discriminative classification, though difficult in practice, was practicable, and on the whole, was desirable; and that decision had been come to, not by one class either of West India or of East India proprietors, but at a meeting where all had an equal opportunity of attending. He had heard it generally admitted, that if this arrangement were confined to the port of London there would be little difficulty in carrying it into effect; and it was admitted that the great difficulty was to be apprehended from the officers at the outports not being able to decide as to the quality of sugar imported. With regard to this he could only say that he had every reason to believe that the difficulty might be completely obviated; if they looked at the ports at which sugar was imported, they would find that they were very few indeed. London alone imported three-fifths of the whole consumption: Liverpool imported about one-fifth more; and there were five other ports only in which the quantity of sugar imported was anything considerable, or where any difficulty or delay would be found to exist. It was not now, as in former times, when the outports had no ready means of communication with the metropolis. Liverpool and Bristol, the two greatest ports, were now, in consequence of the facilities afforded by railroads, within a very limited distance of London. In ordinary cases there could be no doubt that the officers of the outports would be able to form a proper conclusion as to the quality and description of the sugar imported; but in cases near the margin they might have doubts; yet the opportunities of communicating with London were so great—coming to-day and returning to-morrow—that he certainly could not see any real difficulty upon that point. Confined, then, as the importation of sugar was, in the main, to a limited number of ports in England, Scotland, and Ireland, there did not appear to be, to those who were competent to judge upon the subject, that chance of difficulty in its operation which would render the plan liable to serious objection. Taking therefore into his view all these considerations—observing that in foreign countries the rule which he proposed had been long acted upon—taking into consideration that the judgment of many of the most experienced persons in the trade was favourable to the introduction of the classification; remembering, also, that one classification they were all prepared to admit, and that the rule which regulated one, might with equal safety be applied to the other cases; observing, too, the facility which now existed of communicating with the more distant ports; and considering also that the measure would be expedient, if practicable, and that it was just in principle, his Colleagues and himself had come to the conclusion that it was prudent and desirable that the attempt should be made. He had, therefore, to present to the Committee a Resolution in a somewhat altered form, as regarded words, but in substance the same as he had presented on a former occasion. With respect to the words of the Resolution, he had introduced into it, as the distinctive mark between white clayed and refined, that the sugar should be white clayed, or "equal in quality." The word "quality," he had introduced with the view of preventing any doubt as to "colour" being the test; and in the Bill by which he proposed to give effect to these propositions, he should be prepared to give such an explanation of the word "quality" as should guard against the "colour" being received as a test by which the duty should be determined. He had every reason to believe that the operation of these duties would be equal upon all sugar that came within the scope of the arrangement, whether it came from the British possessions in the East Indies, from the British possessions in the West Indies, or on sugar from foreign possessions, which might under the law be permitted to be introduced into this country. Relying on the high authorities with whom he had communicated; backed in his principle by Mr. D. Hume, whose great practical knowledge and truthfulness had always entitled his assertions to the highest credit; relying, too, on the judgment of those who had presided over the Board of Trade, and who, without any party bias, had approved of discriminative duties upon this commodity; relying also upon the opinion of those who had filled the office which he then filled, he certainly was impressed with the conviction that it was most for the interest, both of the consumer, of the importer, and of the dealer in the article, that the discriminative class of duties which he proposed in the Resolutions which he held in his hand should be adopted and maintained. He begged, therefore, to withdraw the Resolution he had formerly proposed, and to propose the following Resolutions, viz.:—

"1st. In lieu of the Duties of Customs now payable on Sugar and Molasses, there shall, from and after the 14th day of March, be charged, for time to be limited, the Duties following; that is to say,—

	£.	s.	d.
On Sugar the growth and produce of any British Possession in America, or of any British Possession within the limits of the East India Company's Charter, into which the Importation of Foreign Sugar is prohibited, and imported from thence,			
Double Refined Sugar, or Sugar equal in quality to Double Refined, for every cwt. . .	1	1	0
Other Refined Sugar . . .	0	18	8
White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being refined, for every cwt. .	0	16	4
Brown Sugar, being Muscovado, or Clayed, or any other Sugar not being equal in quality to White Clayed, for every cwt. .	0	14	0
Candy, Brown, for every cwt. .	1	6	0
——— White, for every cwt. .	1	15	0
Molasses, for every cwt. . .	0	5	3

2nd. On Sugar, the growth and produce of any other British Possession within the limits of the East India Company's Charter,—

White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being refined, for every cwt. .	1	1	9
Brown Sugar, being Muscovado, or Clayed, or any other Sugar not being equal in quality to White Clayed, for every cwt. .	0	18	8"

Question in respect to the foregoing Duties, put, and *agreed to.*

Motion made, and Question proposed,

"3rd. On Sugar the growth and produce of China, Java, or Manilla, or of any Foreign Country the Sugars of which Her Majesty in Council shall have declared, or may hereafter declare, to be admissible as not being the produce of slave labour, and which shall be imported into the United Kingdom either from the Country of its growth, or from some British Possession, having first been imported into such British Possession from the Country of its growth:—

White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being refined, for every cwt. .	1	8	0"

Afterwards Motion made, and Question put,

" White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being refined, for every cwt. .	1	3	4"

The Committee *divided*; Ayes 69, Noes 152:—

Original Question,

" White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being refined, for every cwt. .	1	8	0"

Put, and *agreed to.*

Brown Sugar, being Muscovado or Clayed, or any other Sugar not being equal in quality to White Clayed, for every cwt.	1	3	4

"4th. On all other Sugars not otherwise charged with Duty:—

Refined Sugar, for every cwt. .	8	8	0

Brown, or Muscovado, or Clayed Sugar, not being refined, for every cwt. . . . . 3 3 0"

Motion made, and Question proposed,

"Molasses, for every cwt. . 1 3 9"

Afterwards, Motion made, and Question proposed,

"Molasses, for every cwt. . 0 7 6"

And by leave, *withdrawn.*

Molasses, for every cwt. . . 1 3 9
Candy, Brown, for every cwt. . 5 12 0
Candy, White, for every cwt. . 8 8 0

Motion made, and Question proposed,

"On Molasses, the growth and produce of China, Java, or Manilla, or of any Foreign Country, the Sugar of which Her Majesty in Council shall have declared, or may hereafter declared to be admissible . . 0 7 0"

And, by leave, *withdrawn.*

And so in proportion for any greater or less quantity than a hundred weight.

That Her Majesty be authorised by Order in Council to give effect to the provisions of any Treaty now in force, which binds Her Majesty to admit Sugar the produce of Foreign Country at the same Duties as are imposed on Sugar the produce of the most favoured Nation.

That the Bounties now payable upon the Exportation of certain descriptions of Refined Sugar from the United Kingdom do cease and determine, and that, in lieu thereof, there shall be paid and allowed the following Bounties or Drawbacks; that is to say,—

£. *s.* *d.*

"Upon Double Refined Sugar, or Sugar equal in quality to Double Refined, for every cwt. 1 0 0

Upon other Refined Sugar in loaf, complete and whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of a uniform whiteness throughout, or such Sugar pounded, crashed, or broken, for every cwt. 0 17 0

Upon Bastard or Refined Sugar broken in pieces, or being ground, or powdered Sugar pounded, or crashed, or broken, for every cwt. . . . 0 14 0"

On the Question being put, That the said duties shall commence and be charged from and after the 14th day of March,

Mr. *Hume* suggested, that for the present the date should be omitted in the 1st Resolution, otherwise the House would pledge itself to the 14th of March as the date from which the new duties should take effect. They could afterwards discuss the point as to when the new duties should come into operation.

The *Chancellor of the Exchequer* said, it was of importance that the discussion as to the date when the new duties should come into operation should not be long delayed. He had heard many complaints about the date—some said the period was too long, and some that it was too short. It was, therefore, advisable that the discussion upon the date should take place at an early period.

Mr. *F. Baring* thought the Chancellor of the Exchequer should explain what he meant by the term "quality." If the right hon. Gentleman would state the distinction, he (Mr. Baring) thought it would be a great relief to the trade, for there had been a great deal of uncertainty on the subject.

The *Chancellor of the Exchequer* was understood to reply, that by the distinction made as to "quality," it was meant that "colour" was not to be made the test—that was the course recommended to be pursued by the hon. Member for Beverley (Mr. Hogg), when he brought the subject before the House.

Mr. *M. Gibson* asked whether any Resolution in which occurred the words "towards raising the Supplies granted to Her Majesty" had been passed? In the Resolutions formerly submitted to the House, it was stated that the object in imposing the proposed duties was to grant a Supply to Her Majesty. [The *Chairman:* No such Resolution had passed.] He believed, that in the 1st Resolution formerly submitted to the House occurred these words,—

> "That towards raising the Supplies granted to Her Majesty, the following duties should be imposed."

Now, he wished to know whether the right hon. Gentleman the Chancellor of the Exchequer would think it an advisable course to indicate in the preamble, as it were, of the 1st Resolution the whole policy intended to be pursued by the Government in reference to the Sugar Duties? If he understood the matter aright, they had two objects in view—one object was to raise money for the purpose of meeting the current expenditure of the country, and another object was to raise money as a bounty to the growers of sugar. Now, all he asked was, if they indicated one object, why should they not indicate the other? Therefore he should move that the following words be introduced into the Resolution—"And also for the purpose of granting a bounty to growers of sugar, to enable them to carry on its cultivation."

The *Chancellor of the Exchequer* thought such words could not be introduced into the Resolution. They were a Committee for granting Supplies to Her Majesty, and not to any other person.

Mr. *Hume* said, it was admitted that part of the money that would be raised from the proposed Sugar Duties would be raised for the benefit of the planter; but if they had no power then to take measures for raising money but for Her Majesty, they could not take steps to raise money for the benefit of the planter.

The *Chancellor of the Exchequer* said, they were then in Committee on Ways and Means, and could not act upon the suggestion of the hon. Member for Manchester. No doubt they might go into a Committee of the whole House, and decide on granting any sum of money to any individual, as recommended by the Crown; but in a Committee of Ways and Means they could not do so.

Mr. *Hume*: Did the Crown recommend them to grant supplies to the West India planters?

Mr. *Ward* was of opinion that the House would be a Committee of Ways and Means under false pretences, unless it was distinctly stated what part of the proposed supplies went to the Crown, and what part for other purposes.

Mr. *Williams*: The distinct way of putting the matter was, that so much should be raised as Ways and Means for the Public Service, and so much should be raised as Ways and Means for the West India planters. Then they would have the whole question fully before their eyes on its merits, and the public would understand it. That, in point of fact, was the object of these differential duties. He thought it was the duty of the Committee distinctly to state the amount required for the use of Her Majesty, and the amount required for the use of the West India planters.

Viscount *Sandon* apprehended that all the money proposed to be raised was to go to the use of the Crown.

Mr. *M. Gibson* thought it could not be wondered at that a Gentleman should raise this question, when the Members of the Government had been the first to depart from the long-established system. In the 1st Resolution formerly submitted to the House upon the Sugar Duties, the words "towards raising the supplies granted to Her Majesty" occurred. Now, he concluded that it was intended to omit those words, because the Government was not going to confine itself simply to raising Supplies for Her Majesty. The Amendment he had to propose was, that after the word "Majesty," there be added the words "and for the purpose of giving a bounty to the growers of sugar in the Colonies." [The *Chairman*: Those words cannot be added at this stage of the proceedings.] Then he must take the liberty of asking in what position they were? The last time the House was in Committee of Ways and Means, he heard the Chairman read, "towards raising the Supply granted to Her Majesty." The Resolution in which these words occurred was, he understood, afterwards withdrawn. They were again in Committee of Ways and Means, but the words to which he referred were not introduced in the 1st Resolution.

The *Chancellor of the Exchequer* thought that the hon. Gentleman the Member for Manchester (Mr. Gibson) was very fond of a joke, but this was not a subject for jest. The Resolution formerly brought before the House was in the usual form, and it was their suggestion that its consideration should be postponed. He provided an Amendment to the Resolution, and though in the Resolution submitted to the House the words referred to by the hon. Member (Mr. Gibson) did not appear, that made no distinction in the question. They were a Committee of Ways and Means, for the purpose of granting a Supply to Her Majesty, and whether the words referred to were omitted or inserted, made no difference.

Mr. *Bright* protested against the policy of the right hon. Gentleman the Chancellor of the Exchequer, in assuming that the objection raised by the hon. Member for Manchester (Mr. Gibson) was only a jest. The right hon. Gentleman said, "This is a very good thing for a jest—the hon. Member (Mr. Gibson) cannot be serious — but it is hardly time for jokes." But he (Mr. Bright) did not think it was a joke. The hon. Gentleman (Mr. Gibson) who urged the objection represented a very large constituency, who were deeply interested in the matter, for they knew that the Legislature of the country, by imposing a tax on sugar, were destroying their tråde with Brazil. His hon. Friend was precisely the Member of the House who had a right to get up and protest against the imposition of the tax. He thought the right hon. Gentleman, the Chancellor of the Exchequer ought to come to the question, and grapple with it.

Sir *R. Peel* said, it would be better to bring forward that subject at another stage, and not to propose the introduction of words which were contrary to the usual custom of that House. When the hon. Member for the Tower Hamlets proposed his Motion for the reduction of the discriminating duties, the hon. Members who were opposed to the passing of the Resolutions in their present shape, might vote for that reduction, and prevent the Colonies and the West India proprietors from receiving any more benefit than that which would arise from a more reduced discriminating duty. It was only wasting time to bring forward the subject now, when a legitimate opportunity of bringing it before the Committee would be necessarily afforded by the Motion of the hon. Member for the Tower Hamlets.

Mr. *M. Gibson* said, that if his Amendment were out of order, of course he would not press it; but if his Amendment were out of order, the Resolutions were still more at variance with the rules and regulations of the House; for the Government proposed by those Resolutions to regulate a matter of trade in a Committee of Ways and Means. A Committee of Ways and Means was a Committee for the especial purpose of voting a Supply to Her Majesty; and it was a Committee of the whole House which should undertake the regulation of any branch of trade. Would it not, then, be more regular to propose this in a Committee of the whole House? He conceived that it was very hard on him not to allow him to introduce the words which he had proposed, for it was only reasonable that the public should know what was intended to be carried into effect by the vote of public money which the House of Commons was called upon by the Government to agree to. That appeared to him to be reasonable, whilst the course now adopted in regulating a matter of trade in a Committee of Ways and Means, was a departure from the spirit of the regulations of the House. He should not press the words, as the Chairman was of opinion that they were not in order; but he thought that it was the Chancellor of the Exchequer who made the first departure from the usual rule of the House. He presumed that the omission of the words relating to granting a supply to Her Majesty was accidental on the part of the right hon. Gentleman—but his (Mr. Gibson's) Amendment was not accidental; it was intentional, and the intention was, he believed, a good one.

Mr. *Hogg* was perfectly satisfied with the course now proposed to be pursued by the right hon. the Chancellor of the Exchequer. In a Resolution which had been brought before them, the right hon. Gentleman had introduced the word "quality," so that "colour" should not be made the criterion or test. And he hoped the right hon. Gentleman the Chancellor of the Exchequer would define what "quality" was. He (Mr. Hogg) believed that he was correct in supposing that he would define quality to consist of different elements, such as granulation, the saccharine matter, or something to that purpose. With the proposition of the Chancellor of the Exchequer he was now perfectly satisfied, and he had only to express his acknowledgments to Her Majesty's Government for the attention they had paid to the suggestions which he (Mr. Hogg) had thought it his duty to make. He begged further to state, that the East India and China Association was perfectly satisfied with the measures now proposed by Her Majesty's Government. Those measures removed all the objections which that Association entertained in reference to the proposed Sugar Duties formerly brought under the consideration of the House. Then, with regard to the practicability of working the discriminating duties, they thought, and he (Mr. Hogg) thought, that that ought to be left with Her Majesty's Government, who had had opportunities of communicating with the Custom-house officers, who had given it as their opinion that it was practicable to carry them into operation.

Mr. *C. Wood* had no objection to the principle of classification, but he doubted its practicability on the same grounds as the Chancellor of the Exchequer had doubted it last year, in respect to the proposition of his (Mr. Wood's) right hon. Friend (Mr. Labouchere). On that occasion the right hon. Gentleman had stated that it was impossible; and he could not help feeling amused that the right hon. Gentleman should now propose it himself. He did not altogether understand the distinctions that were about to be drawn by Her Majesty's Government. It appeared that, in addition to the two distinctions that now existed in respect to sugar—namely, Muscovado and clayed—they intended to introduce a third, as between brown, clayed, and white clayed sugar. That was not the distinction suggested by the Chairman of the Customs, Mr. Dean, nor was it that which existed under the old Act (39th Geo. III.) It would be found, on reference to the Report of the Customs' Commissioners, that the difference between Muscovado and clayed sugars was not always discernible; how much less, then, must be that between brown clayed and white clayed? It was a distinction, besides, which in the case of East India sugar, did not exist. Why did not the Government rather adopt the suggestions of the Report of the Commissioners of Customs, and repeal the 3d George IV. If it was found impracticable in 1822 to ascertain the quality by colour; how much more difficult would it be to do so now, when so many different shades of colour were produced. He maintained that no distinction was practicable such as that proposed; and he grounded his assertion on the Minutes of the Board of Trade. All other distinctions should be given up, except the discharge of the sugar from molasses; but as that applied to the brown clayed, as well as to the white clayed article, he could not see how the distinction would be taken between them. He objected, therefore, under these circumstances, to such a distinction; and he hoped that the right hon. Gentleman would inform the Committee in what manner it was proposed to be made. He was also desirous of knowing how it was proposed to deal with free labour Java sugar, white clayed? The Motion of the hon. Member for Bristol last year to tax that sugar at the higher rate of duty had been resisted by the Government, and the result was that large orders were sent out to Java on the faith of its continuing to be admitted at the lower rate. What he was desirous to know was, whether the great mass of Java sugar would be admitted at the lower rate—the duty of last year, or whether it would be subjected to the higher rate as on white clayed sugar?

The *Chancellor of the Exchequer* said, the hon. Gentleman pre-supposed that a fraud had been practised on Java, because in the last Session the rate of duty was taken at 10*s.* generally on all sugar the produce of that island; but if those persons in Java who grew sugar took notice of what passed in that House on one point, they should do so on every point connected with the same subject. It was stated on the occasion in question that so long as the differential duty that then existed in respect to British Colonial sugars continued, so long would the duty then imposed on Java sugar not be disturbed. The hon. Member for Halifax should recollect that those who imported the higher class of sugars would have to pay the higher duty, and those who imported the lower class would have to pay the lower duty. And then, as to the distinction on white clayed sugars, the difference of quality was perfectly known, and the regulation as to the duty would, he was satisfied, very soon become a matter at once of certainty and of ease.

Mr. *F. Baring* did not think the right hon. Gentleman was proceeding with his experiment upon very clear grounds. As the right hon. Gentleman's predecessor in office, he must be permitted to say, that if the right hon. Gentleman had given the House some little estimate of what he expected from one class of sugars and from another, it would have been more satisfactory. Now, last year he was assured that there would be a very small quantity of white clayed sugar imported. This year the right hon. Gentleman the Chancellor of the Exchequer made his revenue calculations depend upon this statement, that 5,000 tons of the lower class sugar would come in, and 15,000 of the higher class. On that calculation he depended for his revenue. Thus the right hon. Gentleman assumed that the greater part of the sugar imported would be of the higher class; while the late President of the Board of Trade stated last year, and also, he believed, in the present Session, that the greater part would be of the lower class. Perhaps the right hon. Gentleman the Chancellor of the Exchequer would have the goodness to tell them which was the real Simon Pure—were they to have the higher class sugar and the revenue he calculated, or the lower class without that revenue? Last year the Government passed a Bill giving notice to parties who had sugar at the other end of the world, that if they brought it in they would have to compete with British-grown sugar, at a protecting duty of 10*s.* 6*d.*, and now they made that protection 9*s.* 6*d.* for the lower class sugar, and something more, something nearer 11*s.*, for the higher class sugar. That notice was to regulate the movements of the trader who speculated in sugar; and to tell him now that you had changed it, and that the party he had to compete with was to have a lower rate of duty, was the queerest consolation he had ever heard from the Treasury Office. He had always been in favour of a classification; but a mere *ad valorem* duty he thought would be attended with great inconvenience. He thought there should be a distinction, a classified rate of duty, something in the nature of an *ad valorem* duty, which when well arranged was preferable. If there was a great difficulty in carrying out such a classification, the hon. Member for Beverley and the East India Association would never have consented to it. The consent he understood them to give to it, showed that there could not be the great difficulty supposed in making the necessary distinction. If they established a distinction between the white clayed and Muscovado sugars of our own Colonies, there could be no great difficulty in establishing it as regarded other countries.

The *Chancellor of the Exchequer* said, it was extremely difficult to give anything like an estimate regarding facts that were not before the House. His original expectation was that then a greater quantity of the higher class of Java sugar would be introduced into this market. As far as the experiment had gone, however, he had no opportunity of bringing that expectation to the test, because no vessels had arrived from Java, while the number of vessels from Manilla was not larger than that of former years.

Sir *W. Clay* said, that though sugars came from Manilla and from Java, some would come in under the higher, and some under the lower duty. Orders would be sent out for the higher quality article, and therefore the higher duty must be paid; hence the parties concerned would be obliged to pay a higher rate of duty than they anticipated. In compliment to the hon. Member for Beverley, the Government had given up the exclusive test of colour, and adopted one in which colour, granulation, and saccharine quality, formed elements. It was the interest of the exporter to show that the article which he exported was up to the mark; but there were difficulties in the whole matter, which had been already clearly stated; and as it appeared to him, the explanations given had by no means removed those difficulties.

Mr. *Gladstone* said, the reason why the discriminating duties had been given up was not because they were supposed to be impossible, but because they were considered to be unjust. The plan which had been rejected did not regulate the duty according to quality, but by any arbitrary test. Judging from the information received from the United States, he should say that there was more entered there which would pay the higher duty than that which would be liable to the lower. He doubted that white clayed sugars could ever be made the standard, for when once mixed they could never be distinguished. An hon. Member on the other side had imputed to him an opinion which he did not hold. He never had said that at all times and under all circumstances the quantity of sugar to be imported from Java would be small; but when the Sugar Duties were under consideration in the month of June last, he did say that the crop of that year in Java had in a great degree been disposed of, and very little more would come from that country. So much for that topic. Now with respect to another. He could not help being amused at the earnestness with which a right hon. Gentleman opposite pressed for a precise estimate of the quantity of sugars that were likely to come under the higher and the lower duties. He perfectly recollected, when that right hon. Gentleman was in office in 1841, that, being himself pressed to estimate the quantity of all kinds of sugars likely to be imported, he said it was impossible to attempt to form any estimate.

Mr. *Hume* expressed himself surprised as the hon. Member for Beverley (Mr. Hogg) being himself satisfied at the modifications of the Government proposition. He was not aware whether the hon. Gentleman had ever read the Act of 1st Geo. IV. or not, but in that Act were these words referring to sugar, "clayed or otherwise refined, or prepared so as to be equal in quality to clayed sugar." Now, who was to decide what was clayed and what was not clayed? Was it to be decided by Custom-house officers, or by refiners, or by the general trader? The grossest contradictions had already been observable in attempting to make the distinction by men well informed and experienced in the trade. It appeared to be impracticable to enforce the Act of George IV. There had been the greatest delays on the arrival of every cargo of sugar, on account of the difficulties attendant upon making the distinction, and hardly a single cargo was introduced that the sellers were not called upon to pay the low duty, their bonds being taken for the difference, in case, on further inquiry, the difference should be payable, and not a few paid the additional duty at once to get rid of the delay. What, then, could the hon. Member for Beverley or the East India Asociation expect from the complicated words now used in the Government scheme, seeing that such difficulties arose upon words nearly similar in the Act referred to. The words now used were, to all intents and purposes, the words formerly so ineffectually used. It was because it was found impossible to carry these words into practical operation, that the Act of Geo. IV. was repealed. Unless the classifications decided upon be such as to admit of no mistake, there should be no classification whatever. He did not altogether like the lines drawn by some Gentlemen between night and day. He did not like the shades of distinction to be left to the penetration and discretion of Custom-house officers at London, Liverpool, and Bristol. When simplifications were going on in the Customs' Department, it was singular that the right hon. Baronet at the head of the Government should have allowed the complication of which he now complained to have been introduced. It was their duty always to encourage the introduction into the market of the best article. The tendency of the present proposal would, he much feared, be to discourage the production of the best sugar for the British market. He was quite confident that the Government was going in direct opposition to the opinions and experience of men having the very best means of information on the subject. He would enter his protest against such classifications as those proposed. The right hon. Gentleman might pass his jokes on such matters; but knowing, as he did, a little of everything, he (Mr. Hume) wished to know a little more of the matter in hand. He would give the right hon. Gentleman a lesson, and that was—that he should attend to his own business and leave others to manage theirs. Some people fancied they could acquire all kinds of knowledge and wisdom by simple intuition. They regarded experience and practical knowledge as nothing. They came down to the House and read their lectures to hon. Members as self-complacently as if they were each a Solon, and expected that these lectures must of necessity be satisfactory both to the House and to the community. He (Mr. Hume) had no objection to the receipt of a revenue from sugar, provided it were derived from a properly regulated scale of duties. He objected, however, most decidedly, to giving an indefinite premium either to the East or West Indies. He thought some protection should be given to the West Indies until they had a better command of labour; but he knew no reason why that protection should be extended either to the Mauritius or to the East Indies. He wished that the right hon. Baronet—if these were to be protected—had decided for what period protection was to be extended to them, that the sugar-growers in both quarters might understand, once for all, how long they were to be so favoured; and that the protected interests might know when to expect the final removal of protection.

Mr. *Hogg* hardly knew what to think of the hon. Gentleman the Member for Montrose expressing surprise or astonishment that he was satisfied with the proposed classifications as they now stood. He did not know by what standard his hon. Friend measured Parliamentary content. That standard, he apprehended, would be as difficult to ascertain as would the standard and criterion of the discriminating duties. He had made certain objections on a former occasion to the propositions of the Government, and had taken the liberty of offering certain suggestions for the removal of what he considered objectionable in the Government scheme. Her Majesty's Government had been kind enough to adopt and act upon these suggestions; and now his hon. Friend was astounded that he was satisfied. In an early part of the debate his hon. Friend had approved of men sometimes holding their tongues. He had heard of advocates, who had both the judge and the jury with them, but who, by an imprudent use of the tongue, had succeeded in turning both against them. He was aware that the word "quality" had been formerly introduced, and that that word had led to great discussion; but he begged the hon. Member for Montrose to remember, that to guard against the difficulty which arose before, he had suggested that the meaning of this word "quality" should not be left to the caprice of Custom-house officers; and had suggested also, that it should be defined in the Act of Parliament, and that it should consist of the three elements of colour, granulation, and saccharine matter. These suggestions, he was happy to say, were to be adopted. He would now repeat, on his own behalf, as well as on that of the East India Association, that they were content to leave the matter now in the hands of Her Majesty's Government, who had at their command the best means of ascertaining the most eligible modes for distinguishing quality, and the best means of working their system—a system which he had no doubt, if it were found to work improperly, would speedily be abandoned.

Sir *R. Peel* was surprised by the observations of the hon. Gentleman the Member for Montrose. The hon. Gentleman thought it desirable that protection should be granted to the West Indian colonies, and withheld from the East. The hon. Gentleman said, that the West Indies were placed under peculiar difficulties with respect to their working population, under which the East Indies did not suffer, and therefore that protection might justly be claimed by the West Indies, but could not with equal justice be claimed by the East. If that were right, then they must revert to the practice under which different rates of duty were applied to East and West Indian produce. He thought that it was almost the unanimous opinion of the House, until he heard the hon. Member for Montrose, that there should be no such distinctive duties in respect to the produce of their own Colonies; and he had not expected to hear any hon. Gentleman now advocate a return to that practice, under which there was a discrimination in the duties payable upon East and West Indian produce. The Government had, during the interval which had elapsed since the measure was first introduced and the present time, applied itself to the consideration of the question of the practicability of distinguishing sugars by the standard of their quality. The inference which they were entitled to draw, after having consulted men of great experience in the trade, was, that from experience, in respect to the great bulk of sugar imported, there was, in reality, no such difficulty as was apprehended in some quarters as to discriminating quality. The principle of discrimination was not an unjust one. If, however, they abandoned it now and determined to have an equal rate of duty, in his opinion they never could revert to the principle again. If the experiment were to be tried at all, let them determine to try it at once; for if they abandoned it now they could never resort to it on any future occasion. He was on the whole decidedly of opinion that the experiment should be tried, because the principle involved was just. He trusted also that experience would amply prove that the difficulties in the way had been vastly overrated. Considering that by far the greatest quantity of sugar consumed in this country was imported into but four ports, and that into the three ports of London, Bristol, and Liverpool was brought the greatest portion, by bringing the officers of these ports into close communication with each other, and by directing the special attention of the Board to this particular and important subject, he hoped that it was quite possible to establish a unity of action in respect to the determination of quality, which might be so applied that the trade might not be subjected to great inconvenience or delay. Such was the conclusion which he had been led to draw from the inquiries which the Government had instituted since the subject had been last brought under the consideration of the House. The preponderance of opinion was in favour of trying the experiment; and if the principle involved was admitted to be a just one, the opinion of the House, he was sure, would be in favour of trying the experiment. He was led to understand that a considerable change might be expected to be speedily introduced into the mode of carrying on the sugar business. He had reason to believe that new machinery, new ingenuity, and new capital were about to be conjointly applied to the cultivation of sugar. They were not to argue of the future state of the trade from what was now past. Every estimate must be made with more or less uncertainty; but he could not help thinking that both in the East and West Indes they were about to have the manufacture of sugar greatly improved, and that there would be a consequent tendency to have a sugar of a lower quality than refined—yet still nearly approaching to refined—brought into this country. If that were the case, the policy of a discriminating duty would only appear the stronger. It appeared to him, under such circumstances, still more urgent to establish a new distinction; nor was he quite sure, that by introducing a new classification they would multiply inconvenience. If there were only two classes of sugar, constant efforts would be made in order to get the sugar which by improved means of production would approach almost to refined, admitted at the lower rate of duty, escaping altogether the higher duty payable by refined sugar. But if they established a new class, with a 16*s.* 4*d.* duty, instead of a 14*s.* duty, that sugar which they would have some scruple in treating as refined sugar, they would have no scruple in subjecting to the intermediate duty of 16*s.* 4*d.*, that is, to the duty between the 14*s.* duty and the duty on sugars refined. He would again repeat that as the present was the fitting time for trying the experiment, and as the principle of discrimination was admitted to be a just one, he trusted that the House would now resolve to carry out the principle, rather than, by abandoning it now, abandon it altogether.

The Resolutions were then read *seriatim.* On coming to the third Resolution,

Sir *William Clay* said, that the Motion he should propose to the Committee would differ slightly from that of which he had given notice. The Committee having agreed to the first and second Resolutions, had affirmed the principle of classification; and it was not, therefore, competent for him to moot that question a second time, which he should have done by moving his Amendment in its original shape. Preserving, therefore, its principle, he should now move simply, that in lieu of 1*l.* 8*s.* on white clayed Foreign sugar, and 1*l.* 3*s.* 4*d.* on brown, that the duties should be, on the former 1*l.* 3*s.* 4*d.*, and on the latter 18*s.* 8*d.* per cwt., being a reduction in each case of 4*s.* 8*d.* per cwt. on the Government proposition, and leaving a mean differential duty in favour of the British Colonial sugar of 5*s.* 10*d.* per cwt. instead of 10*s.* 6*d.*, as proposed by the right hon. Gentleman. He felt the strongest confidence that he could show to the Committee sufficient grounds for the Amendment he proposed. It would be in the recollection of the Committee that the right hon. Gentleman at the head of Her Majesty's Government had stated as one of the main elements of his scheme of finance, as one of the chief reasons which should induce the House and the country to consent to a renewal of the Income Tax, the reduction which its continued imposition would enable him to effect in the cost of an article so important as sugar to the comfort and enjoyment of every class of the people. By his success in this reduction of price, therefore, the merits of his financial scheme must in a great measure be tested. If the people of this country were to endure for an indefinite period the pressure of a tax so objectionable as the Income Tax, the House ought at least to be assured that the public received the promised equivalent. Had they any such security? He thought it under the scheme of the right hon. Gentleman at least problematical. If the anticipations of the right hon. Gentleman as to the increase of consumption were well founded, it was quite certain the public would not get the promised reduction. One or other of the two results contemplated by the right hon. Gentleman would fail of occurring; either the consumption would not exceed the produce of our own Colonies, and then little or no Foreign sugar would come in, and the revenue would fall greatly short of his anticipations, or the consumption exceeding the supply from the British Colonies, the price would rise, and the public would not get the full advantage of the reduction of the duty. The right hon. Gentleman calculated on an increased consumption in this country of 50,000 tons in round numbers: about equal to a twelfth or thirteenth part of the entire quantity of sugar annually consumed in the world. The effect of an increased demand to such an extent must be an increase of price. Of that increase the British Colonists would partake—they would be the first to partake, indeed—as the increased demand would first press on the English market. It would be hazardous to predict what would be the degree of that rise of price—it would depend mainly, of course, on the extent of the increase in the demand. If that increase were as great as was anticipated by the right hon. Gentleman, the rise of price would certainly not be inconsiderable. Already since the promulgation of the right hon. Gentleman's scheme, there had been, as the right hon. Gentleman the Member for Newark had said, an advance in the price of British Colonial sugar, the average price, by the *Gazette* of the week preceding the announcement of the Budget, being 28*s.* 2¾*d.*; and the average of last Friday's *Gazette*, 30*s.* 2*d.*, or an advance of 2*s.* per cwt. If the price should advance 3*s.* to 4*s.* more—no improbable supposition, for he was led to believe, that throughout Europe there seemed a tendency to advance the price of sugar—then the consumer would be deprived of fully one-half the advantage of the remission of duty of 11*s.* 3*d.* per cwt.; for if the price rose 5*s.* 7*d.* per cwt., he would gain but 5*s.* 7*d.* per cwt. in price, one-half the amount of the duty remitted, the other half going into the pockets of the Colonial proprietors. But were not the people of England entitled to the benefit of the whole reduction of the duty, that benefit for which they paid so dearly by consenting to the continuance of the Income Tax? Such assuredly were the sentiments of the right hon. Gentleman when he brought forward his Budget. He then promised the House and the public that he would effect a reduction of 1¼*d.* or 1½*d.* per lb. in the price of sugar. He (Sir W. Clay) believed that he would have no chance of fulfilling that promise if he persisted in maintaining the differential duty he had proposed. He would, on the other hand, be enabled to fulfil his engagement if, in giving, by his large reduction of duty, to the British Colonists an extended market, and with it an advance of price, he took from the monopoly price as much as he added to what might be called the natural price of their produce. It was with the view of effecting this object, and thus protecting the public, that he brought forward the Amendment he was about to propose to the Committee. This appeared to him to be peculiarly the fitting moment to consider what should be the differential or protecting duty which it was expedient to impose on Foreign sugars in favour of the British Colonies. In 1841, 12*s.* per cwt. protecting duty had been proposed, the rates on British and Foreign sugars in the Budget brought forward by his right hon. Friend the Member for Portsmouth being 24*s.* to 36*s.* respectively. The protecting duty in the Bill of last year was 10*s.* 6*d.* But at both those periods the circumstances were widely different from those under which they were now called on to legislate. At the former, it was proposed to admit all Foreign sugar, slave as well as free-grown, and there was no reduction of duty on British Colonial sugar. Now, the British Colonies were protected from the competition of slave-grown sugar, and at how high a rate that protection ought to be valued they might learn from the speech the other night of the right hon. Gentleman the Chancellor of the Exchequer, who told the House that to permit the introduction of slave-grown sugar, as proposed by his noble Friend the Member for London would be to produce a price of sugar so low, as to throw half the estates in the British West Indies out of cultivation. Again, last year, although slave-grown sugar was excluded, there was no reduction in the duty on British Colonial; there was now a very large reduction, and the right hon. Gentleman spoke confidently of a great increase of consumption, which must of necessity be followed by an advance of price—of what he had ventured to call the natural price of the article. They were clearly, therefore, in new circumstances, and fairly at liberty to consider what should be the protection which, in fixing the Sugar Duties, it would be just and expedient to award to the British Colonial interest. He was quite aware of the difficulty, not to say the impossibility, of giving any very precise or perfectly satisfactory reasons in this, as in all other cases, for fixing the amount of a duty imposed solely for the purpose of protection. The duty which would afford sufficient protection to one Colony, might be inadequate as to another. Even in the same Colony, estates differently circumstanced would need very different degrees of protection. But did that difficulty attach to his proposition alone? Did it not, on the contrary, press with tenfold greater force on the right hon. Gentleman opposite? If he felt difficulty in explaining the precise grounds on which he was willing to give to our Colonies a protection of 5*s.* 10*d.*

per cwt., the right hon. Gentleman must find incomparably greater in justifying a protecting duty of almost double the amount. The protecting duty proposed by the right hon. Gentleman was in reality most onerous, and its effect—its clear and undeniable effect—in pressing on the public, enormous. That the price of the whole sugar consumed in this country would be enhanced by the full extent of the differential duty—supposing the consumption exceeded the supply from our own Colonies—was a position not admitting of an instant's doubt. This had been shown most clearly both by his hon. Friend the Member for Manchester, and his noble Friend the Member for London, in former debates on the Sugar Duties, and again to-night; but the principle was so important, that he might be forgiven for re-stating it in a single sentence. If the supply from our own Colonies was insufficient for the consumption, and they wanted any Foreign sugar, they must give for that sugar, first the price at which it could be imported free of duty, and, secondly, the duty. Thus, if Foreign free-labour sugar could be laid down here at 20*s.* per cwt.—if the duty were the same as on British sugar, 15*s.* 2*d.* on the mean—it would cost the consumer 35*s.* 2*d.* per cwt.; but if the duty were (as was intended) 25*s.* 8*d.* on the mean, it would cost him 45*s.* 8*d.* per cwt. But as there could not be two prices for the same article in the same market, the price of all sugar must be 45*s.* 8*d.*, and the public would thus pay 10*s.* 6*d.* per cwt. more than, but for the differential, they would need to pay on all the sugars they consumed. 10*s.* 6*d.* on 250,000 tons, the probable consumption, agreeably to the right hon. Gentleman's calculations, amounted to 2,625,000*l.*—an enormous burden to lay on the people of this country, when it was recollected that of that sum 200,000*l.* at the utmost would go into the Exchequer, and the rest into the pockets of the Colonial proprietors. Was there any justification for so large a protection—a protection amounting, if his hon. Friend the Member for Manchester were right, to more than 100 per cent. on the prime cost of the article. He (Sir William Clay) believed that his hon. Friend was right, at least as regarded the East Indies, the Mauritius, and possibly British Guiana, in saying that the prime cost of sugar in those Colonies did not exceed 10*s.* per cwt. His accuracy, indeed, was scarcely denied in that particular. Was it rational to think that those Colonies required a protection of 100 per cent. on the prime cost? and with regard to the West India Colonies, it should be recollected that, by the exclusion of slave-grown sugar, they were saved from the competition of their most formidable rivals, viz., Cuba and the Brazils. As against China, Manilla, and Java, they had the difference of freight, and the advantage of the better condition of their sugars, from the shorter voyage, in addition to whatever protection in the shape of duty the House should think fit to award. If the Committee agreed to his proposition, they would have a protection for it of 5*s.* 10*d.* per cwt., or 5*l.* 16*s.* 8*d.* per ton, 50 per cent., probably on prime cost; and then a further protection of from 1*l.* 10*s.* to 2*l.* per ton, from the circumstances to which he had referred. Would it be said, they could not grow sugar under such encouragement? He (Sir William Clay) thought that whosoever said so was a most dangerous friend to the West India proprietors. With regard to the East Indies, there could not be a doubt that the protection he proposed would be amply sufficient. It appeared that Java and Manilla sugar, equal in quality, perhaps, to the average of Muscovado, or East India, could be laid down here at 20*s.* per cwt.; if from that sum be deducted freight, charges, and the importer's profit, the prime cost could not greatly exceed 10*s.* per cwt. But would the House believe that in British India, with labour as cheap, with a soil as fertile as in those countries, and with all the advantages of British capital and skill, the growers of sugar could not, with a protecting duty of 5*s.* 10*d.* per. cwt., or 50 per cent. on the prime cost, compete with the planters of Java or Manilla? It should not be forgotten, moreover, that the producers of sugar in British India would always have a very great advantage over their rivals in those countries in one very important particular, viz., in the rate of freight and in finding ships always ready to take their produce. The traffic from this country, both in passengers and goods, would always be on the export voyage to the ports of British India; and ships, having discharged their outward cargoes in those ports, would of course be offered by their captains and consignees to go home direct from thence on lower terms than if they had to seek cargoes at Java or Manilla. For these reasons he was of opinion that the duty he proposed was as much as it was fair to call on the people of England to pay, or prudent for the Colonists to require. He used the word prudent, advisedly; for he entertained the most profound and sincere conviction, that it was not for the interests of the Colonists themselves, and especially the West India Colonists, to seek for a larger protection than that which the duty he proposed would afford them. Not only would a higher protection excite feelings of dissatisfaction among the people of England, which would render more probable every year the success of such Motions as that of his hon. Friend the Member for Manchester, but a far more important consideration remained behind. The Colonists, in seeking to retain so great a protection, were hastening the advent of a time when no differential duty would avail them, and when they must be content with the prices which they could obtain—not in the English market, but in the market of the world. That time would have arrived when the British Colonies should produce more than this country could consume, and the surplus would have to find a market in other countries. He need not remind the House that the price which that surplus, however small, could obtain in the other markets of Europe, would govern the price of the whole supply to the English market. And was that time far distant? He believed it was at hand; he believed that but few years would elapse before British India would furnish sugar more than sufficient to make up for any deficiency in the supply of the other British Colonies. India, with its boundless extent of fertile land—its swarming, laborious, and docile population—was destined, ere long, to afford a practical solution of the problem as to the comparative productiveness of slave and free labour. From a mean annual export of from five to ten thousand tons, India had, in ten years, advanced to an export which last year was 55,000 tons, and in the present year would probably not be less than 70,000. The West India proprietors would do well to look to this consideration. Was it well to apply the present enormous stimulus to their gigantic rival? Would it not be more prudent to moderate the present tendency to investment of British capital in the growth of sugar in India, and allow themselves somewhat a longer time to prepare for that period, which must ultimately come, when their only security would be found in their own economy and good management, and the consequent cheapness of production. Nor did he think the present state of the Sugar Duties a wholesome one for India herself; the stimulus was too great, and would end at last in the revulsion always consequent on protection and monopoly. He had only further to trouble the Committee with one or two remarks as to the effect which his proposition, if adopted by the Committee, would have on the Revenue. That effect would be trifling compared with the benefit it would confer on the public. The difference between the duty in the Resolutions on the Table and that which he was about to propose was 4*s.* 8*d.* per cwt. in the mean on the respective duties on British and Foreign sugar, or 4*l.* 13*s.* 4*d.* per ton. This difference would amount to 4,666*l.* 13*s.* 4*d.* on 1,000 tons, and if the quantity of Foreign sugar required to make up the deficiency of our own Colonial growth should, as the right hon. Gentleman supposed, be 20,000 tons, the loss to the Revenue would be 93,000*l.* But the saving to the public would be at the same rate of 4*l.* 13*s.* 4*d.* per ton on the whole quantity consumed, 250,000 tons, agreeably to the right hon. Gentlenan's calculation, or no less a sum than 1,166,700*l.* It was true, that if, with the right hon. Gentleman, he were to assume that the larger portion of the 20,000 tons of Foreign sugar to be admitted were to come in at 28*s.*, the loss to the Revenue would be larger than he had stated; but it was clear, he apprehended, that little or no sugar would come in at the higher rate of duty, and that in this respect the anticipations of the right hon. Gentleman would be wholly disappointed. The right hon. Gentleman had more than once stated that he was making a bold experiment in finance by the large reductions of duty he had proposed. He thought that it was so in some particulars—the very article of sugar, for instance. He was disposed to think that he hazarded a great amount of revenue without sufficient object; but, at all events, let the public have the full benefit of the experiment, as they paid its price in the continuance of the Income Tax. Let the House take care that what the State lost, in the shape of diminished duty on sugar, was really gained by the people in diminution of price.

The *Chancellor of the Exchequer* said, the hon. Gentleman had stated that the protection proposed now was less than had been proposed under any former scheme submitted to the House, but doubted whether the consumer would derive any advantage from it. In his opinion, the benefit of all protective duties must be divided between the producer and consumer, and the consequence of such a measure as that which was now proposed would be to bring into this country a very large supply of sugar, which, he believed, would give to the consumer very nearly the whole amount of the reduction of duty. The rise or fall in price of any article must necessarily depend not merely on the differential duty, but on the extent of supply afforded for increased consumption: and as they had reason to anticipate that in the course of the ensuing year there would be from our own possessions in the East and West, and from those Foreign countries that could bring sugar into this country, a supply far beyond the anticipated increase of consumption, and leave a considerable surplus, he did not think it necessarily followed, as the hon. Gentleman had inferred, that the fact of an increased consumption would necessarily lead to an increase of price. The hon. Gentleman anticipated, on the contrary, that the price would be enhanced to the consumer to the full amount of the differential duty. Upon that point he did not agree with him, for the reasons he had stated. As to the precise amount of differential duty to be fixed, it must be observed that this measure was a continuation of that to which the House agreed in the last Session; but the experiment of the introduction of Foreign sugar not having been fully carried into effect, he thought they were bound by the decision of previous years, and that they ought to adhere to that amount of differential duty. Nothing could be more unfortunate with a view to an ample supply of sugar in this country than to throw discouragement upon the efforts of those who were engaged in the cultivation of sugar in our possessions in either quarter of the globe; and, therefore, he thought that by giving a higher duty than the hon. Gentleman thought under the circumstances was necessary, it was an error entirely on the right side. For these reasons he could not agree with the right hon. Gentleman in the proposal he had made.

The Committee divided on the Question that the duty on white clayed sugar be 1*l.* 3*s.* 4*d.* Ayes 69; Noes 152: Majority 83.

List of the AYES.

Ainsworth, P.
Arundel and Surrey, Earl of
Baring, rt. hn. F. T.
Berkeley, hon. H. F.
Bowring, Dr.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Busfeild, W.
Childers, J. W.
Christie, W. D.
Colebrooke, Sir T. E.
Collett, J.
Cowper, hon. W. F.
Craig, W. G.
Currie, R.
Dalrymple, Capt.
Dawson, hon. T. V.
Dennistoun, J.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Ebrington, Visct.
Ferguson, Col.
Fitzroy, Lord C.
Gibson, T. M.
Gill, T.
Hastie, A.
Hill, Lord M.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Howard, hn. C. W. G.
Hume, J.
Hutt, W.
Leader, J. T.
Marsland, H.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
Murray, A.
Norreys, Sir D. J.
O'Conor Don
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Plumridge, Capt.
Ponsonby, hn. C. F. A.
Rawdon, Col.
Russell, Lord E.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Trelawney, J. S.
Villiers, hon. C.
Wakley, T.
Walker, R.
Warburton, H.
Wawn, J. T.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Yorke, H. R.

TELLERS.
Clay, Sir W.
Ewart, W.

List of the NOES.

A'Court, Capt.
Adderley, C. B.
Antrobus, E.
Bailey, J. jun.
Baillie, Col.
Baird, W.
Baldwin, B.
Barclay, D.
Baring, T.
Baring, rt. hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Campbell, Sir H.
Cardwell, E.
Carew, W. H. P.
Charteris, hon. F.
Chelsea, Visct.
Clayton, R. R.
Clerk, rt. hn. Sir G.

Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt.hn.Sir G.
Colquhoun, J. C.
Corry, rt. hn. H.
Darby, G.
Deedes, W.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, J. D. S.
Dugdale, W. S.
Duncombe, hon. A.
Du Pre, C. G.
East, J. B.
Eastnor, Visct.
Ellice, E.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Fox, S. L.
Fremantle,rt.hn.SirT.
Fuller, A. E.
Gladstone,rt.hn.W.E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Grogan, E.
Halford, Sir H.
Hamilton, W. J.
Hanmer, Sir J.
Henley, J. W.
Herbert, rt. hn. S.
Hervey, Lord A.
Hinde, J. H.
Hogg, J. W.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Hussey, A.
Hussey, T.
Ingestre, Visct.
Irton, S.
James, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Kemble, H.
Knight, F. W.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Lopes, Sir R.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Manners, Lord J.
Marsham, Visct.
Masterman, J.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Morgan, O.
Mundy, E. M.
Neville, R.
Newry, Visct.
Nicholl, rt. hn. J.
O'Brien, A. S.
Packe, C. W.
Pakington, J. S.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Polhill, F.
Pringle, A.
Pusey, P.
Repton, G. W. J.
Rolleston, Col.
Rous, hon. Capt.
Russell, J. D. W.
Shaw, rt. hn. F.
Shirley, E. J.
Sibthorp, Col.
Smith, A.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Somes, J.
Spooner, R.
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Tollemache, J.
Tower, C.
Trotter, J.
Villiers, Visct.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Wodehouse, E.
Wood, Col.
Wortley, hon. J. S.

TELLERS.

Young, J.
Lennox, Lord A.

Original Resolution agreed to.

On the 4th Resolution, and on the part imposing a duty of 1*l.* 3*s.* 9*d.* per cwt. on Foreign molasses,

Mr. *Milner Gibson* observed, that this was a very high rate of duty to impose upon Foreign, as compared to Colonial molasses. What became here of the 10*s.* 6*d.* protecting duty? If they imposed a duty upon Foreign molasses in proportion to the value of the article, there ought only to be 7*s.* on Foreign when there were 5*s.* on Colonial molasses. He asked to deal at least with molasses as they dealt with sugar. Here, he said to hon. Gentlemen opposite, was an opportunity for them to give relief to the agricultural classes, and at the same time to adhere to the principle laid down by the Government itself. He moved that the duty on Foreign molasses be reduced to 7*s.*, in order that they might adhere to the principle laid down by Government.

The *Chancellor of the Exchequer* observed that the House had already determined that sugar raised by slave labour should be excluded by a duty short of prohibition. By admitting molasses in the proportion that molasses bore to sugar, and acceding to the hon. Gentleman's proposition, they would reverse the decision the House had come to on a former debate, for they would be giving facilities to admit molasses raised by slave labour. Would the hon. Gentleman say that molasses would be brought to them from Java and Manilla? If any hon. Gentleman on the Ministerial side of the House were to propose as a means of relieving agricultural distress, that molasses from Java and Manilla should be allowed to come into this country at a low duty, for the purpose of relieving that distress, the proposition would be treated by the hon. Member for Manchester with the ridicule it deserved.

Mr. *Hume* observed that though they excluded the molasses of some countries on the ground of its being the produce of slave labour, molasses produced in the same way would, as in the case of sugar, come in from others. It was cruel and unjust to the great mass of the people of this country to place difficulties in the way of the admission of an article of such general consumption.

Mr. *M. Gibson* would endeavour so to alter his Amendment as to meet the views of the Chancellor of the Exchequer, and make the proportion between the duties on the different kinds of molasses the same as that on the different classes of sugars. He would substitute for the Amendment he had already submitted — "that for every cwt. of molasses the produce of China, Manilla, and Java, or of any country, the produce of which should be admitted by an Order of the Queen in Council under any Treaty of Reciprocity or otherwise, a duty of 7*s.* should be charged."

Mr. *Warburton* observed that if, as was generally understood, the sugar from Java and Manilla came to this country principally in a state more or less refined, a smaller amount of molasses would result from the manufacture of that sugar; it would be necessary, therefore, to look to an increased supply from other countries. The Amendment now proposed was in the same proportion as the proposed duties on sugar, and he thought, therefore, there could be no objection to it.

The *Chancellor of the Exchequer* said, if it should be found that the proportion was the same, he should be willing to introduce the Amendment at a future period, in the shape of a clause in the Bill; as this would be a reduction of duty that would be the most convenient mode of dealing with it.

Amendment withdrawn. Resolution agreed to.

On the Question that the new rate of duties shall commence "from and after the 14th of March next,"

Mr. *W. Williams* observed that if the new rate of duties came into operation so soon, great loss would be entailed on the refiners and others who had large stocks on hand. There was certainly no necessity for the Bill coming into operation before it received the Royal Assent. Unless the right hon. Gentleman consented to allow a drawback upon the sugar in hand, he (Mr. Williams) would move as an Amendment, that the "5th of April" be substituted for the 14th of March.

Mr. *Hume* hoped his hon. Friend would not prevent the public from deriving all the benefit they could receive from the proposed change. The only question was, whether the Government could allow the drawback up to a certain day?

Sir *Robert Peel* said, that the almost invariable practice in respect to reductions in Customs' Duties was not to allow a drawback. If it were allowed in one case, it was quite clear the principle must be admitted in all, and this would open the door to fraud and lead to great inconvenience. The Government proposed that the existing rates of duties should continue till the 14th of March, thus giving one month from the first announcement of the proposed alteration until it was carried into effect, for the parties to dispose of their stocks on hand, giving them the exclusive command of the market during that time. That notice, he held, was sufficient; and he appealed to the House not to refuse to give the public the advantage of the intended reduction from the time proposed by the Government. He did so on the ground, that it was known to the trade that the Government would propose an alteration in the Sugar Duties at an early period of the Session, and at the same time that they would deal with the Income Tax; and to show what was the feeling of the parties engaged in the trade, he would state to the Committee that he had received a memorial, signed by some seventy houses in London, including that of Baring, Reid, Irving, and Co., by the chairman and deputy-chairman of the East India Company, the agent for Barbadoes, the chairman of the East India Association, and of the West India Association of Glasgow, the chairman of the Chamber of Commerce of Manchester, by merchants of Blackburn, of Bristol, and of almost every other place interested in the sugar trade, signed, in fact, by almost every house in the sugar trade. He had received this memorial in December or January last; and the memorialists, after deprecating leaving of the question in a state of uncertainty, and showing the effects of uncertainty upon the trade, concluded by praying that any further measure that might be in the contemplation of the Government as to the Sugar Duties, should be announced at the earliest possible period after the meeting of Parliament, and come into operation at the earliest possible period. The Government had assented to the prayer of that memorial, and had at the earliest meeting of Parliament brought forward the plan for altering the Sugar Duties, and had connected it with the Income Tax. The Ministers had acquiesced in the proposal of those parties, and they had given a month from the day of the announcement of the plan before it was proposed to carry it into effect; and he trusted that Parliament would agree with them in the propriety of this course.

Mr. *Williams* said the parties who had signed the memorial were principally those who were connected with the import of sugar—not the refiners. The right hon. Baronet allowed the drawback on glass, and why not on sugar?

Mr. *Thornely* said it was clear that those who had signed the memorial were not of that class that would suffer most. There was the class of wholesale dealers, upon whom a great hardship would be inflicted, and who had paid the full duty upon sugar now in bond upon the faith of an Act of Parliament, which enacted that the existing rate of duties should continue until the 5th of July.

Mr. *Sheil* had received a letter from a grocer of Clonmel stating, that as there was no bonding warehouse in that town, he and others had taken out and paid the duty upon a large quantity of sugar for home consumption, and that they would be very seriously injured if no drawback was allowed. Now, the case of the grocers of Clonmel would be that of the grocers of every other town similarly circumstanced. Though the great merchants of London and Liverpool might not be affected by the change taking place before the 5th of July, the period guaranteed by the existing Act, the case was different with the grocers and small dealers.

Dr. *Bowring* concurred with the right hon. Baronet (Sir R. Peel), that to allow a drawback in this case would tend to great embarrassment. He admitted there might be individual cases of hardship, but he did not see how practical effect could be given to the principle of drawback in all its details in every case in which reduction of duty took place.

Viscount *Ebrington* said, that to allow the drawback on the sugar in bond, on which the duty had been paid, could not lead to any fraud, or occasion inconvenience.

Viscount *Sandon* agreed in the policy of announcing the change, and carrying it into effect at an early period; but he was at the same time aware that there were many who did not expect that it would take effect so soon. The retail dealers, he believed, assisted each other; but the wholesale dealers of Liverpool, who had signed the memorial which he had presented to the right hon. Baronet, stated in a petition they had forwarded to him (Viscount Sandon), that they would be great losers unless a drawback were allowed.

Mr. *Trelawny* wanted to know whether a drawback had been allowed in 1830, when a reduction had been made under similar circumstances.

The *Chancellor of the Exchequer* replied, that it was true that in 1830 a drawback of 3*s*. had been allowed, but he denied that the circumstances of the two cases were similar. In 1830 no notice had been given, as in the present case, of the early period at which the alteration would take place. With regard to allowing the drawback on sugar in bond, the general practice was not to pay the duty until the article was actually wanted; and of course it would until then remain in bond, the duty being unpaid. Therefore, in this respect, he did not apprehend any great inconvenience. On the other hand, if they allowed a drawback, after the payment of the duty, they offered an encouragement to fraud; and if it were allowed on sugar, there was no reason why the principle should not apply to every other article on which a reduction of the Customs' duty was effected. His noble Friend (Lord Sandon) said the wholesale dealers of Liverpool had not signed the memorial to the Government, and were consequently ignorant of the early period the duties would come into operation; but it could not be supposed that they would be unaware that such a document was in course of signature. He had had complaints from the retail dealers, stating that the wholesale dealers—the holders of large stocks—had, immediately the proposed change became known, raised the price of their sugar 2*s*. per cwt., which they (the retail dealers) were compelled to pay. Then with regard to the refiners, for this right they had less ground to demand a drawback than any other class of the sugar trade, for it was well known that the refining of sugar was carried on by a very few persons comparatively; that it required large premises, a considerable capital, and large and expensive machinery; there therefore was little fear of competition, and it was quite clear we could not obtain refined sugar from any other quarter for a long time to come. They, therefore, having the public completely under their controul might charge their own price, and guard themselves against loss; and if a drawback were allowed, the money so paid would be thrown away by the public. Seeing this, and that the memorial to which his right hon. Friend (Sir R. Peel) had referred, was signed by the merchants of all the great towns in the kingdom, he saw no sufficient ground for extending the time beyond the 14th of the present month.

Mr. *Bright* contended that the only way to prevent the constant injuries which these frequent alterations inflicted, was to settle the Sugar Duties permanently, and that could only be done on the principle of free trade.

Colonel *Fox* believed that five weeks, as the period of the new duties coming into operation, would be an arrangement that would satisfy the refiners. He would propose that the date should be the 25th of April.

Mr. *Bramston* thought the case of the refiners required some consideration at the hands of the Government. He denied that they could raise the price to the consumer, which right hon. Gentlemen seemed to suppose; for it was not to be imagined that the people would consent to pay a higher price. It must be remembered also that only three-fifths of the sugar that went to the refiners came out as refined sugar—the rest was refuse, and the loss the refiner would sustain on that would more than counterbalance any increase in price they might put on the refined article.

Viscount *Ebrington* thought the Chancellor of the Exchequer was sufficiently answered by his own Resolutions, for he charged five or six different rates of duty upon sugar refined coming into Great Britain and Ireland; of course, if no refined sugar came in those Resolutions would be inoperative. The Chancellor of the Exchequer proved too much for his own case, for if the price of refined sugar was to be raised to the consumer, what benefit would be derived from the continuance of the Income Tax?

Mr. *Hindley* thought it was quite right not to give a general drawback, but he considered this was a case in which the Government ought to give an extension of time to the parties.

Sir *R. Peel* hoped the hon. and gallant Gentleman (Colonel Fox) would not divide the Committee, as it was of the utmost importance that there should be no delay in bringing the measure into operation. The memorial which had already been referred to, set forth the most powerful arguments why they should come to an immediate and final settlement of the question. The memorialists alleged that the present state of uncertainty as to the period on which this alteration of duties was to take place, had already given rise to a system of adulteration of sugars, the evil of which would be augmented every day so long as that uncertainty continued.

Mr. *Hume* would advise his hon. and gallant Friend not to press his Amendment to a division. It was important to the community that this measure should come into operation on the 14th of March, otherwise between that and the 25th of April great detriment would be done to the commercial transactions of the country.

Colonel *Fox* consented to withdraw his Amendment, leaving the responsibility of the injury done to individuals to rest with the Government.

Amendment withdrawn. Resolution agreed to.

House resumed. Resolutions ordered to be reported.

JUSTICES' CLERKS AND CLERKS OF THE PEACE BILL.] Sir *J. Graham* proposed to take the Second Reading of this Bill that night, on the understanding that the discussion on the Bill should take place in Committee after the Easter recess.

Mr. *Escott* said, this was a very important measure, and it was impossible that this question could be properly discussed without entering into a rather intricate question—how far the fees for which another system of payment was to be provided by this Bill were authorized by law or justice. This Bill provided a totally different payment for the officers of the different courts. Before entertaining that question, it was necessary to ascertain whether the existing fees were just and legal. This was, therefore, not a question to be disposed of at that time of night, and he pressed on his right hon. Friend the importance of postponing the second reading. He would not consent to the second reading of the Bill without having first a full discussion of the principle. In thirty-two counties, and in seventy-four municipalities, the fees in question had been abolished altogether by the magistracy, thus proving that it was in the power of the courts to do away with the evil, if they were only prepared to perform their duty, and render the interference of the Legislature unnecessary.

Mr. *Henley* said, it was a very inconvenient practice to pass over the principle of a Bill on its second reading, and to reserve that part of the discussion for the Committee, where details only were wont to be considered.

Sir *J. Graham* said, if there were any real objection to read the Bill at that late hour, he would not press it. At the same time, he must observe, that the Bill differed in no respect, nor did it contain any new principle, as contradistinguished from a Bill of the same nature which he had laid upon the Table of the House at the close of the last Session; and surely hon. Members could not complain that they had not had time to make themselves masters of the provisions and principle of that Bill. The Bill contained the seeds of a saving to the county rates and to the public which was very considerable in its amount. He would not, however, press the measure to a second reading on that occasion.

Second reading deferred.

House adjourned at one o'clock.

HOUSE OF LORDS,

Monday, March 10, 1845.

Minutes.] Bills. *Public.*—1ª· Pauper Lunatics (Ireland) Amendment.

2ª· Jewish Disabilities Removal.

3ª· and passed:—Constables (Scotland).

Petitions Presented. By Bishop of London, and Lord Brougham, from Scarborough, and a great number of other places, for the Suppression of Intemperance.—By Bishop of London, from Uxbridge, for the Suppression of Seduction and Prostitution.—From Attorneys of Courts at Westminster, practising at Oswestry, for the Substitution of Declarations in lieu of Oaths.—From Bath, against the Insolvent Debtors Amendment Act.—By Lord Monteagle, from parties professing the Jewish Religion, for the Removal of all Civil Disabilities.—By Duke of Wellington, from Land Proprietors of Basingstoke, for Protection to Agriculture.

Jewish Disabilities Removal Bill.] The Order of the Day for the Second Reading having been read,

The *Lord Chancellor* said: My Lords, I rise for the purpose of moving the Second Reading of this Bill, and as I do not anticipate any effective opposition to this measure, I shall confine myself to the task of stating very shortly what are the motive and object for which it is introduced. The motive and object are to get rid of some anomalies, and some inconsistencies, and I may be permitted to say, some absurdities with respect to the admission of persons professing the Jewish religion, to corporate offices in this country. In order that I may be duly understood upon this subject, I shall begin by very shortly calling your Lordships' attention to the position in which those persons who profess the Jewish religion legally stand, in respect to some of the offices held under the Crown. It is well known to your Lordships that not only is there no objection to any person professing the Jewish religion being placed upon the Commission of the Peace for a county, but that he may hold the important and very responsible office of county magistrate. There are many recent instances in which appointments of that description have been made; I allude in particular to Sir Moses Montefiore, who is at present a justice of the peace for the Cinque Ports, and a magistrate for the county of Kent, and, within a very short period, the Lord Lieutenant of the county of Middlesex. A noble Marquess, a Friend of mine, recommended that Sir Moses Montefiore's name should be inserted in the Commission of the Peace for the county of Middlesex, and it was inserted accordingly. This, my Lords, is not a solitary exception. Mr. Salomons several years ago, at a time when the noble Lord below me (Viscount Melbourne) held the office of Principal Minister of the Crown, was placed in the Commission of the Peace for the county of Kent. Another gentleman of the Jewish religion, of the name of Lousada, a most respectable person, is, at the present moment, a magistrate for the county of Devon: while another of the name of Cohen, also of the Jewish persuasion, is a magistrate for the county of Sussex. Now, my Lords, I have never heard of any complaint made of these appointments; I believe they have been generally approved of. I have never heard that any of these individuals have misconducted themselves in the discharge of the duties which this responsible office imposed upon them. On the contrary, I believe they have uniformly conducted themselves with perfect propriety, and that everybody has approved of these appointments. But, my Lords, it is not merely to the Commission of the Peace that the appointments of persons professing the Jewish religion are confined. They may hold the office of Deputy Lieutenants of the different counties in this Kingdom. Mr. Salomons is a Deputy Lieutenant, and Mr. Rothschild is also a Deputy Lieutenant. Nay more, my Lords, by Parliamentary sanction, and by Parliamentary authority, persons of the Jewish religion are eligible to the office of High

Sheriff of the different counties of England—nay, my Lords, they are not only eligible, not only capable of being appointed to the office of High Sheriff, but they are bound, when appointed, to discharge the duties of that office. And when we come to corporate offices of a similar nature, we see that a person professing the Jewish religion is liable to be appointed Sheriff, for instance, to the City of London, and that if he refuses to accept the appointment, he, I believe, according to the Charter of the City, is liable to a very heavy pecuniary penalty. This, my Lords is the position of persons professing the Jewish religion with respect to high and prominent offices in this country. Now, we all know that the appointment to the office of Sheriff for the City of London is a stepping-stone, a passport to the office of Alderman, when such office becomes vacant. The person who conducts himself with propriety in the office of Sheriff, who discharges satisfactorily to his fellow-citizens the duties of that office, and who, in the discharge of those duties, wins their esteem and regard, naturally aspires to the honour of becoming an Alderman. All these circumstances are taken into consideration, and have great influence and effect, when the office of Alderman, to which he so aspires, becomes vacant, and weigh strongly in favour of such an individual when he offers himself to his fellow-citizens as a candidate for that office. Will you, then, my Lords, impose upon particular individuals the responsibility of a burdensome office, the filling of which, according to the natural course of things, would lead to the appointment to other and higher stations, not only as a reward for the services so previously rendered, but also as a testimony of the good conduct of the individual in the discharge of the onerous duties of that office —will you, my Lords, compel that individual to accept, as a preliminary, this office, and oblige him to discharge its burdensome duties, and then exclude him from that appointment to which alone he looks as the reward for the good conduct he has shown in the situation which you have compelled him to accept? Nothing, my Lords, can be more unjust—nothing more impolitic; because nothing can be more impolitic or unwise than to diminish the motives for good conduct and for exertion in the discharge of the duties of this highly responsible office. But, my Lords, not only is this exclusion unjust in itself, but the manner in which it is effected is equally objectionable. In what way is this exclusion effected? A gentleman conducts himself well in the situation of the Sheriff of London—he obtains the esteem and approbation of his fellow-citizens — the office of Alderman becomes vacant—he is a candidate for that office; he is unanimously elected by his fellow-citizens as a reward for his past conduct;—being elected, he goes to the Court of Mayor and Aldermen to be admitted into his office;—he offers to take the oaths usually required by law;—the answer is, "You must, in addition to this, make a subscription, and a declaration as required by the 9th of George IV." He says, "What does it require?" "Why it requires that you shall solemnly declare that you will not use any privileges, authority, or influence which you may acquire by reason of your appointment to the office of Alderman in any way detrimental to the Protestant religion, or to the Protestant Church, as by law established." He replies—"All this I am willing to declare, in the most solemn manner. I am willing to do it, if you require it, under the sanction of an oath." "But (says his interrogator) you must subscribe the declaration 'upon the true faith of a Christian.'" "Upon the true faith of a Christian! You know it is impossible that I can subscribe it with such a clause. You know that it is a mockery. You know that if I did so subscribe it, it would not add, in my conscience, in the slightest degree to the obligation imposed upon me by the declaration." This, my Lords, is a species of mockery. If it be wise to exclude these persons from corporate and other offices, exclude them by direct legislation. Let me suppose an attempt made to introduce a Bill into Parliament for that purpose. Here is an individual filling, upon the authority of the Crown, the office of magistrate for a county, capable of holding the situation of Deputy Lieutenant for a county, capable of being elected to, and, if elected, bound to serve the office of High Sheriff—one who has been educated in the City of London, who has been brought up in commercial pursuits, and who is intimately acquainted with the local and general interests of that city—one who has served the office of Sheriff for the city, and who is a candidate for the office of Alderman. Let me suppose these things, and then let me suppose that a Bill should be brought in saying that any person who may have been eligible to all these offices, and who may have actually fulfilled all these offices, if he be a professor of the Jewish religion, shall not be capable of being elected to the office of Alderman. Is it possible that your Lordships, or that any other body of reasonable and just men, could sanction such a measure? If, then, you could not sanction it when it should be proposed to you directly, I am quite satisfied you must be of opinion that you ought not to sanction it or support it when it is endeavoured to be effected by indirect and circuitous means. If your Lordships were acquainted with the nice distinctions that have been drawn upon this subject, they would excite your Lordships' surprise. It turns upon the construction of certain words in the Act. What are the words of the Act? That "The declaration must be made within one month before, or upon the admission to the office." Much learned argument has been spent upon the meaning of the word "upon." The question came before the Court of Queen's Bench; and what was the decision of that Court? The case was argued with great ability by my noble and learned Friend near me (Lord Campbell), in support of the opposition made to the appointment of a gentleman of great respectability to the office of Alderman. But the Court of Queen's Bench was of this opinion—that when that gentleman tendered himself to be admitted, the Court, consisting of the Mayor and Alderman, were bound to tender him the oath. If they had tendered him the oath he would have been admitted, and installed in his office; and if he afterwards neglected to subscribe the declaration, he would have been protected by the annual Act of Indemnity, which was passed for the very purpose. If that had continued to be law, and if the decision of the Court of Queen's Bench had been a correct decision, it would have been quite unnecessary for me to address your Lordships on this occasion, or to have presented this Bill to your notice. But the parties were dissatisfied with that decision; it was brought before the Exchequer Chamber; the decision was reversed upon a Writ of Error; and that Court was of opinion that it was necessary that the declaration should be made at the time of the admission. It held that the Court of Mayor and Aldermen had the power to prescribe the order in which the different proceedings should take place; they had prescribed that the declaration should be taken in the first instance before the oaths of office were administered, and, therefore, the Court of Exchequer considered the election altogether void. What was the inference from this state of things? Why, that the Court of Aldermen, who had nothing whatever to do with the election, who had no voice in it, may, by ordering that the declaration shall be made in the first instance, exclude a particular individual from the office of Sheriff, and then afterwards, at a subsequent election, by not requiring the declaration to be made before the oaths of office are administered, may admit a favoured person who may have been returned quite contrary to the charter, and quite contrary to the spirit of the whole proceedings—thus giving to the Court of Aldermen the whole control over an election in which they have no voice and no concern whatever. I do not say that this is absolutely a clear case of construction, or that the decision of the Court of Queen's Bench was the correct one, but that decision has been practically acted upon, and prevails in many parts of the country; for your Lordships will find that in many corporations where the same law prevails, persons of the Jewish religion do fill the office of Alderman. For instance, in the town of Birmingham, where the oath of office is administered in the first place, and the declaration is made afterwards, the parties take the oaths of office, and are thereby admitted. They afterwards omit making the subscription and the declaration, and they are sanctioned in this by the Act of Indemnity. There is, in consequence of this mode of proceeding, a member of the Jewish religion at this moment an Alderman of Birmingham. Precisely the same rule prevails in other corporations—there is an Alderman of the Jewish persuasion in the town and borough of Portsmouth, so also in the town of Southampton, and in other places. Such is the interpretation put upon the law, and such is the necessity of legislating upon the question. The object which I have in view is to get rid of this anomaly, and to place the law upon a distinct and clear footing—that every man may know the ground upon which he stands, and that there may for the future be no difference of construction, and no practical difference in the admission of persons to office between the corporation of the City of London and the other corporations of this Empire. The mode in which I propose to effect this is a mode well known to your Lordships. I propose that where the declaration is to be made and subscribed "upon the true faith of a Christian," the words "upon the true faith of a Christian," shall, in the case of persons professing the Jewish religion, be omitted. Have you done this upon former occasions? Undoubtedly you have. You have done it in favour of the Quakers—you have done it in favour of the Moravians—you have done it in favour of the Independents—and you have done it in favour of a class of persons known by the name of Separatists. You have done it by express legislation in favour of all these different sects. You have declared that where a declaration is required to be made by persons of any of these different persuasions having scruples of conscience, and where the words "upon the true faith of a Christian" are inserted in the declaration, those words shall be omitted. But then I shall be told that this applies to Christians; that all those persons whom I have named are all different sects of Christians; and it will be said to me, "You wish to apply the same law to persons professing the Jewish religion." But, my Lords, this is no novelty. The same exception has been made applicable to that description of persons as to those I have just named. In the first place, it was considered desirable that persons professing the Jewish religion should not be excluded from filling the office of High Sheriff. In consequence of this, an Act of Parliament was passed, declaring that persons professing the Jewish religion, and who should be nominated Sheriffs, should not be required to make that declaration. But more pointedly still, in times less liberal than the present, times when persons saw more dangers and were more disposed to yield to chimerical apprehensions than now, an Act of Parliament, the 10th George I., (called the Act of Abjuration) was passed, in which it was considered that the words, "I make this declaration solemnly and on the true faith of a Christian, so help me God," should be omitted as regarded persons professing the Jewish religion. I shall be told, perhaps, that that was only a temporary Act, that it has expired, and that no attempt has been made to renew it. That is true; but for what reason, upon what ground, has there been no attempt to renew it? Simply, because its renewal became unnecessary in consequence of the Annual Indemnity Act. Therefore, it remains upon the Statute Book as an Act expired, it is true, but an Act setting us an example which I am persuaded your Lordships will follow. But that is not the only Act of the kind. There is an Act of Parliament now in force precisely in the same terms, and directed to the same object; an Act passed in the 13th year of the reign of George II., for the purpose of enabling Foreign Protestants to become naturalised in our Colonies. It was represented that persons professing the Jewish religion would be deprived of the benefit of that Act, because, before they could obtain their letters of naturalisation it was necessary for them to sign the Oath of Abjuration. It was, therefore, enacted that when such persons desired to obtain the advantage of that Act, the oath should be administered to them, striking out the words "upon the true faith of a Christian." Therefore, my Lords, not only in the case of Christians, but in the case of Jews, this exception has been made by the authority of Parliament in the distinct cases to which I have referred, of an Act of Parliament which has expired, and an Act of Parliament which is now in force upon the Statute Book. Have I then made out a case to support the measure I have submitted to your Lordships' consideration? My Lords, I have thought it right to rest this measure upon the limited grounds I have set forth. They may by some be thought to be grounds too narrow and limited; but, my Lords, I have done this advisedly. I am anxious that this measure should pass, and the other Members of Her Majesty's Government share in that anxiety. We are desirous, therefore, of not resting it upon those great views of general policy which might admit much matter of controversy, of difficulty, and of doubt; and in the consideration of which the particular measure might be forgotten and lost. Upon these grounds and principles, then, I have rested the measure, and so resting it, I have not entered as I might have done into any details regarding the course which has been taken by foreign countries in respect of their inhabitants professing the Jewish religion. I will say nothing, then, of what has taken place in France, in Belgium, in the United States, and, above all, in Holland, where for a great number of years persons of the Jewish persuasion have, without restriction, been admitted to high offices, and where not only has no public inconvenience been felt therefrom, but where the principle has, as I believe, met with the full and general concurrence of all persons of liberal and enlightened minds. Less liberal has been the policy of the Austrian States regarding the Jews, But in Germany, Prussia has set the example, and there persons of the Jewish religion are admitted into the Schools and Universities, and are permitted to read lectures in the Universities, and to take degrees. Most admirable and instructive have been the results, for some of the most eminent and learned of men, distinguished in literature and science, have thereby been reared. I may here be permitted to read to your Lordships a short passage of a letter which I have received in answer to a communication from my own, from a person well acquainted with all the details with respect to this liberality on the part of Prussia. He says,—

> "The civil disabilities have been removed in Prussia earlier than in any of the other German States. This, and the admission to the schools, have had the effect of showing the superiority of the race in intellectual activity and power. Jews, converted and unconverted, hold the highest places in civil life, and those who occupy eminent places are greatly out of proportion, in point of numbers, if we compare their numbers with the rest of the population."

This letter, my Lords, is confirmatory of what I have stated as to the benefits conferred upon literature and science in that part of the world by the course taken by Prussia of relieving her Jewish subjects from their disabilities. Nothing is more unjust than the degradation suffered by the Jews, and there appears no reason why you should not remove those disabilities and restrictions from which that very degradation arises. I think I have said enough to induce your Lordships to pass this very limited measure, and I will now content myself with moving the Second Reading. Before I sit down, however, I may state that I have had occasion to review some of the ancient Acts of Parliament relating to persons of the Jewish religion, and I have felt it my duty to direct the attention of the Criminal Law Commissioners to these practically obsolete Statutes, with a view to their removal, in common with others similarly inoperative. As an instance of these Acts I may cite one passed in the reign of Edward I., and entitled *De Judaismo*, whereby Jews were confined to particular towns, and to particular districts in those towns, entitled "The Services." That Act also regulated the fashion of their outer garments, and by it they were obliged to wear a badge indicating the religion to which they belonged. I think your Lordships will be of opinion that such Acts ought no longer to disgrace our Statute Book, and that the Government have done wisely in directing the attention of the Criminal Law Commissioners to them, with a view to their abolition. The noble and learned Lord concluded by moving the Second Reading of the Jewish Disabilities Removal Bill.

The Bishop of *London* said, he had on a former occasion opposed a measure of a similar character, principally because he had thought it likely to lead to the admission of Jews into Parliament. It was not his intention to offer any opposition to the present measure, because, were he so disposed, it would only raise discussion, and excite angry feelings, and lessen the grace of the boon they were about to confer on this respectable body of men. He only begged it to be understood that he was not pledged to take the same course, if a Bill for admitting the Jews into Parliament should be brought in.

The Marquess of *Lansdowne* expressed his happiness at seeing this proof of the advance of liberal opinions. Five years ago the noble and learned Lord now on the Woolsack, in perfect consistency with all he had now stated, presented a petition from one of the most respectable citizens and merchants in London, Mr. Salomons, who by the anomalous and—he (the Marquess of Lansdowne) would venture to repeat the term, because it had been employed by the noble and learned Lord—the absurd state of the law, was precluded from holding that situation to which his fellow citizens had elected him. The noble and learned Lord did not then, by the expression of his opinion, give sufficient encouragement to their Lordships to apply then to the evils set forth in that petition that remedy which now, after five years, it was to be hoped their Lordships would unanimously approve. More than that, after that petition had been so presented, the noble and learned Lord on the Woolsack stated that he saw no means, consistently with their Lordships' opinions, of applying a remedy, unless a measure were sent up to them by a large majority of the House of Commons. He (the Marquess of Lansdowne) wished to consider the subject carefully separated from that ulterior object to which the right rev. Prelate had alluded, and adverted to the subject only for the purpose of impressing upon their Lordships, and upon the country, the advantage of keeping public attention fixed upon these anomalies and absurdities, that when the subject should have been fully considered, they should be prepared for their removal, when it could be effected with no prospect of inconvenience to the public, or of injury to the Constitution. And what was more injurious to the public interest, while it was unjust to individuals, than that one of the most respectable men in England, one who had been entrusted to fill the responsible office of Sheriff, who in some counties was admissible as a Magistrate, while in others he was excluded—for even in that point of detail the law was anomalous and inconsistent—should not, when elected as Alderman, be allowed to take part in municipal proceedings in that capacity. There was no possibility of maintaining these exclusions, unless it could be shown that their abolition would be inconsistent with the public safety. He knew of no other principle by which any branch of Her Majesty's loyal subjects should be excluded from participating in the benefits of the Constitution—benefits to be given to all persons loyal in their character, and who were willing to subscribe to such declarations as were not inconsistent with the faith they held, and which it would be absurd to expect that they would be induced to abandon, with a view to civil advancement. He had heard with great satisfaction the declaration by the right rev. Prelate, that he would not oppose the Bill, which it was to be hoped would receive their Lordships' unanimous consent.

Lord *Brougham* entirely concurred with all that had been said by his noble and learned Friend on the Woolsack and by the noble Marquess. He rejoiced that the Bill had been brought in, and hoped that it would pass their Lordships' House without a dissentient voice; and the other House of Parliament, if not with perfect unanimity, at least by a very large majority. A doubt was entertained by some, whether the present measure went far enough. He hoped the time would come when a more general Bill would be introduced in favour of his fellow-citizens of the Jewish religion; but nothing appeared to him more judicious than the course taken by his noble and learned Friend in confining the Bill before them within its present practical limits. It would be most unjust in him (Lord Brougham), after having been a coadjutor, both in London and elsewhere, with the important and powerful persons who were the subjects of the present Bill, if he did not take the present and every other opportunity of recording his sense of the generous, charitable, and magnificent conduct of that most respectable class of Her Majesty's subjects, whenever any aid was required from the ample resources of their charitable and enlightened industry in promoting useful objects, without regard to sect, and although not their own sect, but Christians, were to profit by their act. They had never exhibited a disposition to draw that invidious distinction; but their hands were ready and their purses open whenever they regarded the work to be done as good. He never saw them thus acting without feeling a degree of shame, he might say of contrition, to press on his spirit, when he reflected on the return that we Christians made them, doing evil that good might come, contrary to our own faith and morality, by keeping them out of, he would not say their privileges (for that looked like favour), but the strict rights to which they were entitled as fellow-citizens and loyal subjects of the Crown.

Lord *Campbell* congratulated the House upon the change that had taken place among their Lordships upon this subject. In 1828, when the Corporation and Test Acts were repealed, a Bill came from the other House which would have allowed Jews to be admitted Members of every corporation in England. That Bill was supported by the Chief Justice of the King's Bench; but it was decided by a large majority of that House that Jews ought not to be members of any corporation in the country; and for the purpose of excluding them, the words, "upon the true faith of a Christian" were inserted. In 1837, when Mr. Salomons was elected sheriff, he (Lord Campbell), then Attorney General, brought in a Bill to allow him to serve that office in a Municipal Corporation, without that declaration, and he confined that Bill to the single case upon the analogy of sheriffs in counties, who not being required to make that declaration, it was reasonable that sheriffs in corporations should also be able to fill the office without being called upon to make it. That Bill passed the House of Commons, and it had the good luck also to receive the sanction of their Lordships; but he felt certain that if he had extended the measure a single line further it would have been rejected. It was to the honour and the interest of the country that Jews should not labour under their present disabilities, and he hoped that this was only an instalment —a large one—of a more general and comprehensive measure. He would propose no Amendment or addition now, but he trusted his noble and learned Friend would some time come down and inform the House that there was an anomaly in the law that should be wiped away—that, as the law stood, a Jew might become Lord Mayor, that he might sit upon the Bench in the Criminal Court, that he might be a member of a corporation, that he might sit in the Common Council and Court of Aldermen and legislate there, and that, consequently, being thus trusted and esteemed, it was an anomaly that he was not permitted to represent the people in Parliament and assist in the legislation of the country.

The Bishop of *London,* as there had been some reference to a perfect unanimity, wished to explain that he was no party to the measure; but that he did not oppose it, because he did not desire to raise a discussion and stir up angry feelings.

Lord *Colchester* wished, in consequence of the noble Lord (Lord Campbell's) observation, " that he regarded this Bill as only an instalment of a larger measure," to guard himself against the supposition that, in assenting to this Bill, he was altering sentiments which he had before expressed, that he did not think it right that Jews should sit in the Legislature or the Privy Council.

Lord *Redesdale,* referring to the Bill of 1841, said that its words were open to a more extensive construction than those of the present Bill.

Bill read 2ª and committed.

PAUPER LUNATICS IN IRELAND.] Lord *Monteagle* brought in a Bill for the amendment of the laws respecting Pauper Lunatics in Ireland, whose condition the noble Lord said required the interference of Parliament. The Bill was in accordance with the unanimous Report of the Committee. He should be happy if the Government would introduce a better measure; but as Chairman of that Committee, he felt that he could not consistently with his duty allow the subject to rest longer.

Bill read 1ª.

House adjourned.

HOUSE OF COMMONS,

Monday, March 10, 1845.

MINUTES.] BILLS. *Public.—Reported.*—Property Tax; Consolidated Fund (8,000,000*l.*).

Private.—1°· West of London and Westminster Cemetery Company; Bridgeton Municipal and Police; Edinburgh and Hawick Railway; North British Railway.

2°· Manchester and Salford Waterworks; Bradford Gas; Scarborough Water; Scottish Central Railway; Surrey and Sussex Roads (Sunday Toll); Forth and Clyde Navigation; Lynn and Ely Railway; Ulster Railway Extension; Cambridge and Lincoln Railway; York and North Midland Railway (Goole Branch); Southampton Docks; Edinburgh and Glasgow Railway; Oxford and Rugby Railway; Newcastle and Berwick Railway; West Cornwall Railway; Eastern Counties Railway (Cambridge and Huntingdon Line); Fisher Lane (Greenwich) Improvement; Belfast and Ballymena Railway.

PETITIONS PRESENTED. By Captain Meynell, and Mr. Shaw, from a great number of places in Ireland, for Encouragement to Church Education Society.—By Colonel Lowther, from Appleby, for better Observance of the Lord's Day.—By Mr. Alderman Copeland, from Penkhull, and by Mr. Fox Maule, from General Assembly of the Free Church of Scotland, against any further Grant to College of Maynooth. — By Mr. Goulburn, from Hastings, for Amendment of Law relating to Rating of Tithes; from University of Cambridge, against Union of St. Asaph and Bangor.—By Lord H. Vane, from Committee of Auxiliary Anti-Slavery Society (Darlington), against Importation into Colonies of Hill Coolies. — By Mr. Bankes, Mr. Cartwright, Sir H. Halford, and Mr. Maunsell, from Landowners and others, of Dorchester, and several other places, for Agricultural Relief from Taxation. — By Sir H. Halford, from Solicitors and others, of Leicester, for Repeal of the Stamp Duty on Attorneys' Certificates. — By Mr. Trotter, from Landowners and others, of Farnham, and by Mr. Abel Smith, from Maltsters of Ware, for Repeal of Malt Duty.—By Sir James Duke, from Merchants and others, of Boston (Lincolnshire), and by Mr. Osborne, from Chipping Wycombe, against Renewal of Property Tax. — By Mr. Cowper, from Labouring Men of Ashley, in favour of the Allotment System. — By Mr. Cholmondeley, Mr. Hughes, Sir W. W. Wynn, and Mr. W. Wynn, from several places in Wales, in favour of the County Courts Bill (1844).—By Mr. Greene, from Josiah Isles Wathen, of Bedford-square, for Production of Papers.—By Mr. Bright, from Reading, against Increase to Naval and Military Establishments.—By Lord Ashley, from Females of Downham Market, for Alteration of Law relating to Promiscuous Intercourse.—By Mr. Brotherton, Mr. P. Carew, Mr. Ewart, Mr. Hughes, Mr. Mitcalfe, Mr. Morrison, Mr. Strutt, and Mr. Walker, from a great number of places, for Diminishing the Number of Public Houses. —By Mr. Wawn, from South Shields, for Alteration of Law relating to Railways.—By Sir G. Clerk, from Edinburgh, Mr. Forbes Mackenzie, from Dunblane, and by Mr. Hume, from Brechin, for Improving the Condition of Schoolmasters (Scotland).—By Mr. Ald. Humphery, from Inhabitants of St. Saviour, Southwark, for Abolition of Tolls on Waterloo and other Bridges.

INCOME AND PROPERTY TAX.] Report on the Property Tax Bill was brought up.

On the Question that the Amendments be read a second time,

Mr. *C. Buller* rose for the purpose of moving the following Amendment:—

"That the circumstances under which the renewal of the Income Tax is at present proposed, are such as to render it exceedingly improbable that Parliament will have the power of dispensing with its continuance at the end of three years; and that it is therefore the duty of this House to take care that the Tax be imposed in a form in which its operation shall be less unequal and inquisitorial than it now is."

He said, that in bringing before the House once more the general question of the circumstances under which it was called upon to pass the Income Tax Bill, he could only say, that he was not attracted to the task by any peculiar interest that the House had shown in the subject—by any vivacity that had animated their discussions, or by any hope that he was to be backed by a vigorous and consistent course of conduct on the part of those who agreed with him in opinion. But there really appeared to have been so much more even than the usual amount of confusion in their debates—the more they had discussed the matter, and the further they had got into the measure, they had advanced so much deeper into a perfect maze of misunderstanding and inconsistency, that he was determined to give the House one opportunity of explaining to the country, and even to itself if it could, for what purpose—under what circumstances—on what principles—and for what period this tax was to be imposed. The expediency of imposing the tax at all—the form in which it is to be assessed—in fact, every question involved in the policy of the present measure—all turned on the one fundamental question of the period during which it is likely to be required; for on this one point depends whether they were to submit, in a moment of national exigency, to all the injustice and injury of a rough levy on each man's means, or whether they were to adopt a tax on property with all that equitable deliberation and nicety, which would be required to adapt so great a change to the feelings of the country and the general system of taxation. And on this most important point, their declarations and explanations reflected on a bewildered and anxious people no light but the pale and flickering gleams of their own general indecision and want of purpose. The right hon. Baronet alone seemed to have the settled purpose of getting his tax without amendment, and without discussion; and to pursue this object with undeviating constancy. All the rest of them appear to be mastered by his energy, and to be ready at his bidding, to vote a tax of which they all declared their disapproval—on grounds which they all declare to be untrue. As far as he could judge, for instance, the great body of the Gentlemen opposite seem to be generally averse to an Income or Property Tax altogether; and had declared, with their usual independence and self-reliance, that they would never consent to the renewal of the tax, if the right hon. Baronet had not assured them that it would not be wanted beyond three years. Never was so much hope hung upon so very faint an assurance; for when the right hon. Baronet was pushed on this point the other night, all they could get from him was, that he did'nt despair of doing without the Income Tax at the end of three years. And such is the touching confidence of his supporters—who have, they say, had great reason to rely on his professions—that on this assurance of an absence of despair, they venture, in the face of facts the most glaring, and probabilities the most startling, to vote for the tax, without really one ray of hope of being relieved from it at the end of three years. On this side they were a little more shrewd than to rely on any human assurances on such a matter; and saw that the financial policy of the right hon. Baronet must necessitate the continuance of the Income Tax beyond the period for which he now asks it. But his Friends were not a bit more consistent. For though enamoured of the Property Tax, they feel the injustice and oppression of the tax on fluctuating incomes; and they declare, that if it is to be permanent, it must be most materially modified. Yet they vote for the Budget, which they see will make the tax permanent, and take no pains to effect any of the necessary modifications. But with all due respect for his noble and right hon. Friends on the front Bench below, he grieved to say he could not but think that when they had so completely demonstrated the vices of the Income Tax, they might just as well have voted against it; and that when they had shown that it must inevitably be permanent, they might just as well have taken some pains to bring it into a less oppressive shape. It would be useless on the present occasion to attempt to disguise that dissent which he had often expressed from the very general opinion in favour of direct taxation. That there is very great justice in many of the abstract arguments in favour of direct taxation, which had been so ably stated by his Friends on this side of the House, he did not at all dispute; and in truth, he might not be altogether disinclined to think that it would be wise and just to take great pains to devise some equitable scheme of direct taxation, did it appear possible by that means to raise a large proportion of our revenue. But it must always be borne in mind, that they are obliged to raise at least fifty millions every year. Now it did not seem that his Friends had ever sufficiently considered what proportion of this total amount it would be possible to raise by direct taxation. It must not be forgotten that any Property Tax which may be imposed, is in truth an addition to a large amount already borne by us. A large proportion of the property of the country is charged with an amount of six or seven millions of direct taxes under the name of rates, and the tax-gatherer comes also for a considerable amount of assessed taxes. Taking all these things together, you may fairly say, that with an income-tax of 10 per cent., the tax-gatherer would come to a large proportion of the proprietary classes, and take directly in hard money not much less than a fourth or fifth of each man's income. This is carrying direct taxation quite as high as would, even in the present improved state of feeling on the subject, be very safe for public credit and the Public Service; and therefore the amount which could be raised by a tax of 10 per cent, and which they could hardly reckon at more than fourteen or fifteen millions, is the largest amount they could calculate on getting from an Income Tax. The great bulk of our revenue must, therefore, after all, be derived from indirect taxation; and such being the case, our first object must always be to ameliorate our system of indirect taxation. And while indirect taxation must be our main reliance, he was strongly inclined to make it our sole reliance in ordinary times; to reserve the fourteen or fifteen millions of possible Income Tax as our resource in great national emergencies; and to abstain from trenching on that fund except in periods of necessity. You can make neither Income nor Property Tax anything but unequal and vexatious; and it seems wise, therefore, not to resort to it except in those exigencies in which the excited feelings of the nation will induce men to submit to much injustice and vexation in order to give the Government the readiest and surest means of bringing a certain large amount of money into the Exchequer. And there is, undoubtedly, a great advantage, as a general rule, in letting the world know that this is a treasure held in reserve for great national exigencies; for that knowledge will be more effectual in deterring aggression even than the fortification of our coast, or the augmentation of our naval force. However, he would not trouble the House with any further discussion of the merits of direct taxation, because he would fairly admit that there were exigencies besides those of war, in which he would have recourse to it. There are great fiscal experiments in the revision of our system of taxation, for the sake of trying which he would cheerfully submit to those evils for three years more, could he feel sure that it was only for that period. He spoke of such a revision of our taxation as all thinking men have long regarded as required by justice, and counselled by expediency; but which, whatever the probability of their ending in no diminution of revenue, no Minister would be justified in trying, without a certain margin of revenue to provide for the consequences of possible failure. Had the right hon. Baronet now come forward, and asked for the maintenance of the Income Tax, with a view to trying the experiment of a large and sound revision of our taxation, he would willingly have consented to subject the country for a while to the mischiefs of that tax, for the purpose of making a great effort to remove the greater mischiefs of our present unjust and impolitic system of taxation. The admirers of the present Budget say that this is precisely what the right hon. Baronet has in view in measures which they are pleased to laud as peculiarly beneficial to the poor, and advancing the freedom of trade. Nor was he at all inclined to deny that these measures are calculated to do great good; or to refuse praise to what was being done, were he not impressed with a strong conviction of their having flung away a great and rare opportunity of doing very much better. He did not complain that the right hon. Baronet had actually misapplied his surplus to bad ends; but that he had not made a sufficient use of the great opportunity which the possession of so very large a surplus afforded; for it is by far the largest surplus which any Minister has had to rely on for effecting a revision of taxation. With so large a surplus we are, for the first time, enabled to deal with the great articles of our taxation. With a surplus of half a million or so you can deal with any of the minor taxes; but it is only when you have a surplus of three or four millions, that you can venture to meddle with the great sources of our Revenue. The Minister, who has the rare good fortune of having such a surplus, is bound to make an effort worthy of the means placed at his disposal, and not to fritter them away in a multiplicity of petty changes, which he may as well effect separately, and which he will have many an opportunity of so effecting. This is what he complained of having been done on the present occasion. The right hon. Baronet had the means of effecting a great, if not a perfect reformation in our fiscal system—of effacing its worst blots, and of permanently augmenting the Revenue by lightening its pressure on the people; and that golden opportunity he had for ever thrown away. The great scandal of our fiscal system is the raising so large a proportion of our Revenue by an undue taxation of the articles consumed by the masses, and which are either necessaries of life, or if luxuries, the luxuries of the poor. By imposing indiscriminate duties on the cheap articles destined for the poor, and the finer articles consumed by the rich, we in fact tax the expenditure of the poor at a far heavier rate than that of the rich; we cruelly curtail the scanty enjoyments of the poor, and we commit, at the same time, the gross financial impolicy of imposing taxes far too high even for purposes of revenue, and of thus checking consumption, and encouraging a fearful extent of smuggling and fraud. With respect to this very tax on sugar, which has of late been so much discussed, it appeared from the discussion on Friday respecting the famous question, which, after all, got no answer, that the average price of British Muscovado in bond is 34*s*. per cwt., which, with the proposed reduced duty of 14*s*., would give a price of 48*s*. the cwt. to the consumer, while the price of Brazilian Muscovado is 21*s*. the cwt.; so that taking duty and protection, we shall, even with our diminished rate of duty, raise the price of the poor man's sugar to more than double the natural price of the article. The common kinds of tea cost 9*d*. a pound, the duty is 2*s*. 1*d*.; so that here by the tax, we raise the amount of the poor man's luxury to near four times its natural amount. That of his coffee you more than double—that of his soap and malt you nearly double. The duty on tobacco varies from six to sixteen times the prime cost of the article. That on foreign brandy is 22*s*. 10*d*. per gallon on an article which without the duty sells for 4*s*., being a duty which raises the prices of the article more than six-fold. The same duty on foreign gin raises the price twelve-fold. These duties on sugar, tea, coffee, soap, and malt, are heavy taxes on those enjoyments of the poor which we should most encourage. They diminish their limited enjoyments, not merely by depriving them of the power of purchasing, but by causing extensive adulteration, and the substitution of inferior articles. Tobacco and spirits he would not deny to be proper subjects of taxation to the utmost extent to which it can be carried for the real interests of the Revenue. But he looked at the present taxes on these articles to be the very worst that we have, because they are carried preposterously beyond the rational limits of taxation, and consequently produce a fearful amount of evil in extensive smuggling, and wholesale adulteration. All, or almost all, the demoralization, crime, bloodshed, expense, and arbitrary regulations by which the Customs' revenue is protected, may be ascribed to these two taxes. The valuable Report of his hon. Friend the Member for Montrose on the tobacco duties presents a picture of fraud that is perfectly appalling; and it would appear that the result of our heavy duties, after providing due encouragement for a large race of smugglers and fraudulent manufacturers, is to ensure two-thirds of what is smoked as tobacco in the United Kingdom being a compound of deleterious substances, and about one-third only of the real tobacco paying duty at the Custom-house. The diminution of these heavy taxes should always be the first object with every financier of really enlightened views, and real regard for the great mass of the people, partly to put an end to the mischiefs of smuggling and systematic frauds, partly to place some innocent luxuries within the poor man's reach. There is not one practical authority, there is not one economical writer, who has not counselled the reduction of these taxes as those on which it is most probable that greatly diminished duties would, in addition to these advantages, produce as large a revenue as that now collected. Reduce the duties on spirits and tobacco, for instance, so low as to remove the inducement to smuggling and adulteration; and your Exchequer will get a duty on the immense proportion which is now smuggled, and that which will be required when the market is no longer supplied by adulteration; and besides this, you will save half a million per annum in the expenses of your coast guard. But then, the answer always is, that to produce any real effect, we must very greatly reduce all these taxes: and that it is not safe to hazard the public credit on probabilities, however great, of increased consumption, in the case of articles which produce so very large a proportion of our revenue. To produce any good effect by lowering these taxes, we must lower them by one-half or two-thirds; and this is a dangerous experiment to try with taxes, each of which brings in several millions a year. For instance, the taxes on foreign spirits and tobacco, must, to try the experiment fairly, be lowered by at least three millions. This answer is very sound: these experiments ought not perhaps to be tried, except with a surplus of some millions; and it is but rarely that a Minister has such a surplus at his disposal. But the right hon. Baronet has: he is the first Minister that has had the opportunity of putting down the smuggler, and of benefiting the poor by reducing the great items of our taxation. And he has grappled with none of these articles, except sugar; and that he has lowered to the certain loss of the Revenue, and probably with very little benefit to the consumer, because he has sacrificed consumer and revenue alike to the interest of the West India planters. A Budget that had dealt with any of these great articles of taxation, would really have been a boon to the millions, and furthered the soundest views of finance. Had the right hon. Baronet dealt boldly and rightly, in reducing any of the great taxes, the probability is, that at the end of the three years he would have had the same surplus as he has now; that he would have been then enabled to repeal the Income Tax; and that we should have had all the advantage of a great and successful experiment in finance. For that it would have been worth while levying the Income Tax for three years, even to run what risk there would be of its continuation after that. But they offered no such experiment. They offer a reduction of taxes proper enough to be reduced, no doubt, but not so pressing as to interfere with the present application of the large surplus to a great financial experiment, and such a reduction of taxes as can by no possibility restore the revenue. The Government told them very gravely, that they were to leave them the entire liberty of repealing the Income Tax at the end of three years; and the means which they offer is a Budget which sweeps off every farthing of revenue which, even with the aid of five millions of Income Tax, we have beyond our expenditure. They told them to rely on the Revenue recovering of itself; but he found no one sanguine enough to entertain such hopes; and we must, therefore, look upon the present reduction of taxes as the only great experiment we shall ever have to try with the Revenue—the only return we get for rendering the Income Tax permanent. We were to purchase the permanent remission of certain taxes by taking the Income Tax as a permanent substitute. He confessed he saw nothing in the offer at all adequate to the price demanded. It had been said that this was eminently a poor man's Budget. Now, he had always observed that when anybody did not know what to say in support of any measure which he might have happened to propose, he invariably said that it was for the benefit of the poor man: and when some hon. Gentlemen on that side of the House had been determined to be delighted with the hon. Baronet's Budget, and scarcely knew on what ground, they said it was the poor man's Budget; but he declared he did not know how the right hon. Baronet had managed to reduce so many articles with so little direct benefit to the poor man. First, there was the sugar tax. Now, they were all agreed on that (the Opposition) side of the House, that they could not have reduced any tax with so little advantage to the interests of everybody except the West India proprietors. He believed that there was not any body on that side of the House, always except the hon. Member for Dumfries, who was so enamoured of the Income Tax that he would rather see the proceeds thrown into the sea than not have it—with the exception of the hon. Member for Dumfries, there was not one Gentleman on that side of the House who would consent to the continuance of the Income Tax for the sake of the reduction in the Sugar Duty. Was it the abolition of the auction duty, the reduction of which was to benefit the poor man? Was he to gain by the removal of the tax upon exports? He must confess that it seemed to him that the export duty must have been paid by foreigners, and that it was a very good thing to make the foreigner pay part of our taxes. But then there were the 420 articles of the Tariff. Now, he had looked at them all, and he could not conceive what the poor man was to gain. The right hon. Baronet would not give the poor man corn—he would not give him butter; but he would give him alum to adulterate his bread, and lard to adulterate his butter. Now, he did not know, unless it was, perhaps, upon such articles as divi-divi, algandilla, and some other articles which nobody could tell him about, on what it was the poor man was to gain. It was true that he had never before heard of those articles; and he had no very longing desire to hear an explanation as to their qualities. Still, no one could pretend that they were articles much consumed by the poor, or that the poor would be much benefited by a remission of the price of them. Then there was glass. Now, he believed the poor man would not benefit so much by the reduction of the price, as he would by having a better article. It was, however, an important article; though not the most important. Then there was cotton. The Chancellor of the Exchequer, when very hardly pressed, had burst forth eloquently on the advantages which the poor man would derive from cheap fustians; and the First Lord of the Treasury had dilated at length upon the advantages which the poor woman would derive from a cheap cotton gown. Now, he never grappled with either of the right hon. Gentlemen upon any matter which concerned millions. He left such amounts to the First Lord of the Treasury and the Chancellor of the Exchequer; but when they came to pence he could calculate. Let them imagine, then, a poor man dressed from top to toe in fustian—that is to say, with a fustian coat, a fustian waistcoat, and fustian trousers. Now, let them consider this subject scientifically; let them come to weights and measures. He had made numerous inquiries, and had taken great pains to ascertain; and he had come to the conclusion, that at the outside the weight of this dress would be four and a half pounds. He had been told that he must make an allowance of an additional half pound for waste. That would give five pounds as the quantity of raw cotton employed in the manufacture of the suit of fustian. The duty on raw cotton was five-sixteenths of a penny per pound; therefore the poor man could save, on the suit, twenty-five-sixteenths of a penny, or one penny and nine-sixteenths. He then took the case of a woman's gown. In that he had also made inquiry. He made allowance for waste, and he found that it would weigh about two pounds; and the reduction upon each woman's gown would, therefore, be about three farthings. Supposing a woman, therefore, to have two gowns a year, she would save 1½*d.* per annum. The two—the husband and wife—would have to be grateful to the Chancellor of the Exchequer, therefore, for a saving of 3*d.* a year. His (Mr. Buller's) own belief was, that they would never get their 3*d.*; for he believed that the poor consumer would never have a chance of getting this saving of 1½*d.* on articles which cost altogether 13*s.* or 14*s.* But even if the poor man did save 3*d.* a year, yet it must always be borne in mind that he would have to pay 3*d.* a month, in the shape of taxes, to the West India proprietors. There could be no doubt that reducing the duty on glass and cotton would be useful to the poor man, as the means of increasing his employment. In the reduction of the duty on glass, the most important effects would be the sweeping away of the restrictive system in the Excise laws. But, upon the whole, considering the present state of the labouring classes, he thought the right hon. Baronet would have done them a greater service by diminishing the taxes that raised the cost of the necessaries of life. It must be recollected that this could not have been done without increasing their employment; for a remission of taxes upon imports was as important in increasing employment as a diminution of the taxes upon exports. He did not believe that they could serve the cotton trade more effectually by sweeping away the tax upon raw cotton, than they would by sweeping away the taxes on tea; as that would enable the merchant to get a return from China. He could point to one or two other duties as most material for such an experiment; and although hon. Gentlemen might not agree with him in saying that the wine duties and the spirit duties were proper subjects for reduction, yet every body would agree with him that it would be well if, by reducing those duties, they could largely increase our trade with France, and establish commercial relations, instead of those of rivalry and hostility. He thought that by reducing those duties, they would do double good to the poor man, by diminishing the cost of the necessaries of life, and also increasing his employment, by facilitating trade with foreign markets. Now, he would turn from the poor man, who was always uppermost in their hearts, but for whose benefit it was a singular thing they never could manage in any way to hit upon a practical measure of relief—he would turn from the poor man to those who had to pay. It was constantly held out by the right hon. Baronet, that the reduction in duties which he was making was so great, that they would make up the Income Tax. Now, that was the oddest delusion that so sensible a Gentleman could well fall into. But the very same thing was said when the right hon. Baronet brought forward the Budget of 1842. He (Mr. Buller) made all kinds of inquiries—he asked every person whom he met what he thought about the reduction caused by the hon. Baronet's Tariff. He said (to those who did not know him) that the right hon. Baronet was the greatest Minister they ever had—that he had lowered the price of everything; but he could never get a single person to agree with him. He could not find out the man who had made up his Income Tax by the Tariff. What could any man gain by the reduction? Provisions had not fallen a bit, except, perhaps, hams, [" Oh, oh."] The hon. Members opposite had not made an articulate sound, but there was much meaning in that inarticulate agricultural sound of wailing over diminished prices. He had no doubt the hon. Gentlemen suffered much by the alterations in the Tariff; but he could assure them that those who resided in towns gained very little. He had gone through a nice calculation upon the subject of sugar. He had taken the instance of a family having 500*l.* a-year. He found that they would have to pay 14*l.* 13*s.* 4*d.* for Income Tax—that was positive—there never was any mistake about that. If such a family then consumed forty pounds worth of sugar in the year, they might save 25*s.*, taking it for granted that they would save one penny a pound. He would not adopt the right hon. Baronet's calculation of three half-pence, for he thought that in dealing with a Minister's calculations of the benefits likely to result from his measures, it would always be safer to take off than to add a farthing, as the right hon. Baronet had done. He would say, therefore, that perhaps such a family as he had been speaking of might gain a penny per pound; he did not think they would, but if they did gain 25*s.* a-year, that was to be set off against 14*l.* 13*s.* 4*d.* for Income Tax. Upon what else would they gain? He had gone over the articles of the Budget—he had referred back to see, if he could, anything else by which the taxpayer would benefit. He did once think they must take out the Income Tax in physic. He supposed that made the hon. Member for Finsbury (Mr. Wakley) so enthusiastic about the Budget, in hopes that the poor man was to be drugged with cheap physic. His (Mr. Buller's) belief, however, was, that upon the interesting article of physic the druggist would pocket all the benefit. Well, next as to furniture, He would admit that there would be a great deal of saving upon furniture. If all England were composed of newly-married couples with a thousand a-year and upwards, he had no doubt that for a-year or two they would be able to make up the Income Tax. But, after all, was it not nonsense to call this a free-trade Budget, and to talk of making up the Income Tax when nearly all the great articles of general consumption —all the articles upon which a material saving might be made, were excepted from this free-trade Budget? The right hon. Baronet's free trade put him in mind of the freedom of the press at Madrid, described by *Figaro* in the play of Beaumarchais,—

> " Provided," he said, " one says nothing of the Government, or religion, or politics, or morals, or of persons in credit, or of the public amusements, one might print what one liked, subject to the revision of two or three censors."

So the right hon. Baronet, provided we did not offer to bring in any corn, butter, cheese, provisions, tea, coffee, malt, sugar, tobacco, or spirits, would allow them to bring in what they liked, subject to inspection and registration by two or three Custom-house officers. It was nonsense to call this a free-trade Budget; it was a monopoly Budget. What he always understood by free trade was, that it was the taking off protective duties. Which of the protected interests had the right hon. Baronet touched? He had touched the bristles and the lard of the great predominant interest, and some other twopenny-halfpenny articles; but he had not interfered with the protection of a single really important article. He did not interfere with any great interest; the only interest which he had at all touched was that of the West India proprietors, and he terfered with their protection only to raise it. The right hon. Baronet was doing the work of the monopolists most effectually. He was sweeping away the surplus which might have enabled him to give free trade to a considerable extent. For they could not eat their cake and have it too—they could not lose three or four millions, and keep the necessary surplus for the establishment of free trade. Although free trade would, in many instances, be putting money into the pockets of the Government, by taking it out of the pockets of the monopolists, yet they could not deal with butter, cheese, corn, and other Foreign provisions; they could not hope to obtain free trade in any of the most important articles of general consumption without a surplus of two millions. It was, therefore, not the interest of the advocates of free trade to support a system which would sweep away the means by which any future Minister might be able to give the country the advantage of free trade. And, after all, what would they get? They got the remission of the duties on glass and cotton wool, by abandoning their warfare against (or rather weakening their power of assaulting) the protection system. Far better and wiser would it be for the trading interests to have stood firm to their old ground—to have rejected these immense boons at present, and to have taken advantage of the necessities of the Revenue to extort the removal of the protective system. This was the ground they took in 1841 and 1842; and this was ground for firm and enlightened men, conscious of the importance of the great principle for which they were struggling, and determined to resign the pursuit of it for no secondary gain whatsoever. But what is it they were doing now on their altered principle of bowing to the will of the right hon. Baronet as irresistible, and of tossing up their hats for every boon which he vouchsafed to dole out? Why, while they still talked of free trade as the first of human blessings, and dealt out their total and immediate anathemas on all who differed as to the mode of effecting a common object, they were doing the work of the monopolists, and voting the Income Tax to bolster up the system of protection. For let us, then, for a moment gravely consider the chances of ever again having such a surplus as the present. They could only hope for it from an increase of revenue resulting from a diminution of taxation. The Chancellor of the Exchequer seemed to take this as a matter of course. Now he had had the pleasure of sitting in that House with that right hon. Gentleman for fifteen years, and slowly and with difficulty had the very elements of these truths been forced on his mind. On every Budget which the Whigs had introduced, he had heard him urge the danger of lowering taxation for the purpose of increasing the Revenue. But when the right hon. Gentleman did go into a good principle, he must say he went with a plunge, head over heels; he was now not only lowering taxes to increase the Revenue, but altogether abolishing them. Now he must check his ardour: he must remind him that there were limits to the application of this principle; that it did not invariably follow that by diminishing taxation they gained much from the increased consumption of articles. Indeed, with a Budget like the present, which did not merely lower, but entirely repealed, so many duties, it seemed to him they might run a risk that the consumption of articles not paying revenue might cause a diminution of the articles which paid revenue. For instance, by sweeping away the glass duty, was there not a probability that part of the money spent in customable commodities before, might be spent in an increased consumption of glass? The present Government had had the advantage of some favourable years, and the duties had been gradually recovering. Although hon. Gentlemen opposite had talked so much of "Whig blunders," and the state of the Exchequer when the Whigs went out of office, the truth was, that the great cause of the decrease of revenue during the Administration of the Whigs was their having had three or four bad harvests. And what had revived the trade of the country now? Not the Tariff. The Revenue had not been raised to any considerable extent upon any of the articles touched by the Tariff, in consequence of increased consumption, but simply by three good harvests, the opening of the China, and the revival of the American trade. But the Budget had been calculated in a reliance on unchecked and increasing prosperity. But how would it operate in adverse circumstances? It might suit very well while the country was blessed with regular and abundant harvests; but he would ask, how was it calculated to meet the exigencies of the State if the harvests failed, and if those disasters to which trade was liable occurred at any time during the next three years? If such deplorable results occurred, in what state would the right hon. Baronet's Budget be in the year 1848? Would he then be prepared to come forward and state that in consequence of the increased productiveness of other branches of the Revenue during the preceding three years, he was prepared to recommend the discontinuance of the Income Tax? On the contrary, it was much more likely that he would be found coming forward, not with a proposition to remove the Income Tax, but with a demand for an increase of that impost, or for some other source of revenue, to meet the deficiency which the Revenue presented. He would therefore say, that it was a fraud—a foolish fraud—for them to tell the country that they renewed the Income Tax with the expectation of being able to take it off at the end of three years. He would not, he firmly said, for such a Budget as this impose an Income Tax in any shape. But they had decided otherwise. Their confidence in the right hon. Baronet, and their admiration of his policy, induced them to accept the remission of the cotton, glass, auction, and miscellaneous duties, and the present scale of Sugar Duties, an an equivalent for a permanent Income Tax. Then they should put the Income Tax into such a shape as they thought it ought to be when made a permanent tax. He need not now recapitulate the objections which were made to the tax in 1842. He would only notice, then, so far as to show that experience had in no respect altered his opinion of it. He still thought the tax a grievously unjust tax, weighing with most unequal severity on the possessors of precarious and those of certain incomes: that this inequality is greatly aggravated by those difficulties in the assessment of the tax, which enable the dishonest to evade it, and which consequently aggravate its comparative pressure on the conscientious portion of the community: and that experience has shown that he had been right in his anticipations of the mischiefs resulting from the inquisitorial nature of the tax, and the arbitrary powers which are vested in a variety of irresponsible authorities. For though in London undoubtedly the tax had been administered with very great moderation and forbearance, yet from all parts of the country, especially from the north of England, he heard loud and general complaints of the abuses which have been practised by the local Commissioners towards rivals in business and obnoxious politicians. And though in all these respects he still thought it impossible to make any direct tax perfectly just, or to levy it without great annoyance, still it was quite clear that by care we might assess the tax much less objectionably. And now that they were making it permanent, this is what he said they were bound to do. He did not specify any particular alterations, though of course the principal one to which he pointed was the making some difference between fixed property and uncertain incomes. He purposely confined his Motion to the assertion of a very plain, very practical, very pregnant principle, without stating it upon any one matter of detail. Every one who thought that justice required any material alteration of the tax ought to vote with him, that the tax might be made just and tolerable. His Motion was the foundation of many Amendments of the tax. He meant it to be so; for this rude measure of primitive taxation required many an Amendment ere it could be rendered decent to appear out in the ninteenth century. The right hon. Baronet objected that if we once begin with these Amendments, we should take a long time, and not have passed the Bill by the 5th of April. And what was the 5th of April, or any other day, compared to a just and reasonable distribution of a burden of five millions of taxes? The work which they had to do requires time: but it is worth it. Then again he said, they might as well pass the Bill as it is, and if they found it must be renewed they might improve it in 1848. But if they felt assured that in 1848 they should have to renew and amend it, why not amend it now when they were renewing it nominally for three years, really for many more? Why bear remediable injustice and oppression for three years? If his shoe pinched him, he might bear the pain for an hour, if at the end of that time he was going to bed: but if he knew that he was to be moving about for the next twelve hours, why should he not change his shoe at once, instead of being in pain for the hour, at the end of which he must take the trouble of putting on another? And lastly, the right hon. Baronet says, that if this Amendment were carried, he might not be able to spare revenue enough for the repeal of some taxes. His answer was, first, that he did not prevent the right hon. Baronet's getting the necessary revenue by other means: and, secondly, that even if he did force him to keep on any one of those taxes, there is none of them of which the oppression and impolicy is half so great as that of the bad parts of the present Income Tax.

The *Chancellor of the Exchequer* said, the hon. Gentleman who had just concluded his address, had commenced by observing that there was, both in the House and out of doors, a degree of doubt and an absence of determination and firmness upon the subject of the Income Tax, for which he could not account; and which he thought in particular unbecoming on the part of the Representatives of the people of that kingdom. The hon. Gentleman, in order to rescue the character of that House from the charge of indecision and dulness, of which he thought he had a right to complain, had brought forward his present Amendment, and supported it, if not by sound argument, at least by a lively and an agreeable statement, to which it was impossible to have listened without, at all events, a certain degree of amusement and pleasure. He was disposed to attribute the apparent negligence of which the hon. Gentleman complained, not to any want of consideration on the part of any hon. Gentleman in that House to a subject of so much importance to their constituents—not, as the hon. Gentleman had stated, to any feeling of blind attachment to his right hon. Friend, by the majority on that (the Ministerial) side of the House; nor to the sluggishness of what the hon. Gentleman had called the sharper and shrewder party by whom they were opposed; but rather to a general conviction entertained by hon. Gentlemen on both sides, that under the circumstances of the country, from a necessity of providing for the exigencies of the State in the ensuing year, or from the equal necessity, or the high expediency, of removing from the people other burdens which pressed heavily upon their energies and industry, it was the opinion of the House that the re-imposition of the Income Tax for a limited period was a measure well deserving of support, without reference to party views or feelings. The question of the propriety of adopting an Income Tax had been debated on former occasions, and had been approved by majorities exceeding what, under ordinary circumstances, would be considered as very great. But if the question were one which was so much calculated to excite the feelings of the country, as the hon. Gentleman supposed, why, he would ask, did the hon. Gentleman withhold his disapprobation of it until the present period? During three or four successive stages of the Bill the merits of the Property Tax had been brought under discussion; and yet, on all those occasions, the hon. Gentleman withheld his note of disapprobation. They heard nothing from him of the inquisitorial nature of the tax—of the amendments which it required—of the improper manner in which it was collected—until after the measure had been approved of by the House, and had passed through Committee—until, in fact, in the ordinary course of proceedings, any Amendment to the Bill was scarcely within his reach. It was at that last stage that the hon. Gentleman had come forward with a Motion, which, if founded upon just principles, ought to have been made at the first moment after the subject had been brought before the House by his right hon. Friend; and even now the hon. Gentleman brought forward an Amendment which had no distinct object—which proposed no distinct alteration consistent with the continuance of the tax; but which, avowedly, went to open the question to every possible Amendment which any hon. Gentleman might think proper to suggest. The hon. Gentleman knew as well as he did that the details which would be thus stirred would present obstacles of the greatest difficulty, if not of absolute impossibility, to get through. He did not claim for the Property Tax any merit to which no other tax laid claim; but he thought the hon. Gentleman ought to have been prepared to come to the discussion of its provisions—if not intending to reject it altogether — prepared as to the particular modes by which he would propose to amend it; or with some other plan, by which he would suggest that the necessary sum for the exigencies of the Public Service was to be raised. There was, however, one advantage in following the hon. Gentleman, arising from the fact that he had, through a great part of his speech, answered the propositions which he had laid down in other portions of it. The hon. Gentleman commenced by stating that he was not prepared to go the length which some recommended, of preferring direct to indirect taxation. On that point, it was not necessary for him to enter into controversy with the hon. Gentleman, as it was not proposed, in the adoption of the Income Tax, to substitute direct taxation generally for "indirect" taxation. It was merely proposed to substitute direct taxation to a limited extent in a national system of revenue, of which the great bulk consisted of indirect taxation. But the hon. Gentleman objected to all taxation that pressed particularly on the poorer classes; and his main objection to the Budget of his right hon. Friend was, that it afforded no relief to the poor comparatively to that which he would himself be prepared to grant them if he had the management of public affairs. If he understood the hon. Gentleman correctly, he stated that he would be prepared, if he had to conduct the public business, to make great changes in the finances of the country; and when imposing an Income Tax would take care that the relief from taxation in other matters should be regulated more in accordance with the interests of the community than under the system introduced by his right hon. Friend. That part of the hon. Gentleman's case had been brought forward in a manner which he could not well understand. He considered the hon. Gentleman to have stated that he would not require the Income Tax to be any greater in amount than at present; but that he would recommend for reduction other taxes which were more objectionable and obnoxious in their operation than those which his right hon. Friend proposed to lower. The hon. Gentleman went through the taxes which his right hon. Friend proposed to repeal, and then told them that they ought to have rather considered the propriety of reducing taxes that interested more directly the consumption of the lower classes; and he enumerated the taxes on tea, on tobacco, on soap, on spirits, and on wine. The amount of revenue which was derived from those taxes was no less than sixteen or seventeen millions annually; and what rate of a Property Tax, it might be asked, should be imposed, to permit any useful reduction on so enormous a proportion of the taxation of the country as that? But when the hon. Gentleman came to consider which of all those taxes he would select as most fit to be reduced, he mentioned tobacco, from which the revenue was three millions, and spirits, from which the revenue was—[Mr. C. *Buller* expressed his dissent across the Table.] The hon. Gentleman had, he thought, distinctly stated that tobacco and spirits were the two articles the taxes on which pressed heaviest on the poorer classes; and he expressed his preference of a reduction of the duty on tobacco and spirits, to the reduction of the taxes on sugar, and cotton, and coals, and auctions, which had been proposed by his right hon. Friend. The hon. Gentleman in the course of his speech, after recommending the repeal of the duties upon tobacco and spirits, to which he attached principal importance, proceeded to contrast the benefits which would be derived by the poor from his plan, with those which were likely to follow from the measure of the Government; and he went into a minute detail of the very limited amount of saving to the poor man in the purchase of his dress, and the quantity of glass which he might, in the ordinary exercise of his vocation, make use of in the course of the year. But did not the hon. Gentleman know that if the same line of argument or of calculation was adopted with respect to any tax, it would apply with equal force?—for any impost would appear, on its division among the multitude, of small individual importance, though the total amount of the revenue might be large. The Revenue received 3*s.* on every pound of tobacco; and if the hon. Gentleman took the trouble to calculate the saving to each individual in the community, by the reduction of one-third of that duty, he would find that the particular sum in each instance would present fractional parts as small as those which had so much excited his contempt in speaking on the repeal of the duties on cotton and glass. Did the hon. Gentleman mean to hold that the saving which might be effected by a reduction of the duty on tobacco would become so important a consideration to the higher classes as to compensate them for the sacrifice they were obliged to make in contributing to the Income Tax? The hon. Gentleman surely could not mean that. But it should be recollected that one thing which the Government did in imposing the Income Tax was to relieve the poor altogether from its payment. No person having an income of less than 150*l.* a-year contributed at all to the tax, and he would leave it to the hon. Gentleman to explain, if he could, whether the lower orders did not receive double relief; first, from a tax so imposed, from which they were entirely exempt; and, secondly, as it afforded the means of releasing them from other taxes to which they would otherwise be liable, to the amount of not less than five millions a year. He thought that if his right hon. Friend had come down to the House, and had proposed, in conformity with the opinion of the hon. Gentleman, that the whole or the larger part of the surplus left at his disposal should be applied to the reduction of the two particular duties which seemed to occupy so high a place in the favour of the hon. Gentleman—namely, the duties on tobacco and on spirits—

Mr. C. *Buller* said, he mentioned the duties on malt, soap, sugar, tea, tobacco, and spirits, as all pressing on the great mass of the community; but he did not particularize any of them as being most worthy of attention in the first instance. What he meant to say was, that if the Government had reduced any of those taxes, it would be a greater boon to the public generally than what they had done.

The *Chancellor of the Exchequer:* The right hon. and hon. Gentlemen sitting around him were of opinion with him that the hon. Gentlemen had particularly insisted on the repeal of the duties on tobacco and spirits, as being most severely felt by the poorer classes. The hon. Gentleman had quoted largely from a Report drawn up by the hon. Member for Montrose (Mr. Hume); but that was merely the draft of a Report which had never been considered by the Committee. The Report certainly recommended that in consequence of the pressure upon the particular article referred to, it was most advisable to have the tax repealed whenever the state of the Revenue would allow of such a sacrifice; but on this subject he would only detain the House farther by observing, that if his right hon. Friend had really adopted the course which the hon. Gentleman now recommended, and had proposed to the House the reduction of the duties upon tobacco and spirits, the hon. Gentleman would probably be the very first to stand up and raise an outcry against the cause which he now advocated. He would have told them that these were obnoxious articles, on which the highest amount of duties that could be imposed ought to be levied. He would have complained that they were pandering to the vices of the people, instead of adding to their comforts; and he would then have in favour of his declamation against the Government more of principle than he had displayed in his Motion on that evening. He would admit with the hon. Gentleman, that in selecting between different articles of revenue, it was important carefully to consider the effects which a repeal of the duties would have upon the public, and to reduce the tax on that by which the greatest amount of benefit would be obtained; but he denied that the hon. Gentleman had correctly stated the principle upon which relief was given. It was not wholly by the amount of duty withdrawn that that benefit was conferred. In addition to the actual burden removed, there were other modes by which the public were benefited by repeal of taxation. The hon. Gentleman spoke of the reduction of duty on various articles in the Tariff. In fact, he referred to every reduction that was proposed to be made. But he neglected to take into account the new exertion which those reductions would draw forth, the stimulus which would be given to industry, and the increased sources of employment which would be opened to the poor. This was an important consideration, of which the hon. Gentleman had neglected to take any notice. He seemed to forget that by the impetus which the remission of taxation on particular articles would give to the extension of employment, they would afford to the lower classes of the community the means of procuring comfort, and assistance, and relief, to an extent that would at least fully equal the immediate relief afforded by the release from the amount paid in taxation. But, as he said before, the imposition of the Income Tax did actually relieve the lower orders from a large amount of taxation. The other reductions opened new sources of employment to them. For instance, with respect to the article of glass; it was known that there were already persons preparing to embark their capital in machinery for carrying on the glass trade, which they would not have thought of doing if the duty were continued, and each of these new establishments would of course give employment to a number of persons residing near them. In the same way the repeal of the duty on cotton would be most beneficial. He had before stated that the reduction of the duty would be felt more on the heavier articles of goods, and in that way its benefit would extend directly to the poorer classes, by whom such goods were worn. But was that the only advantage they would derive from the reduction of the duty on cotton wool? Far from it. If the effect of the repeal of that duty would extend, as he believed it would, to the cotton goods exported, so as to enable the British manufacturer to meet the foreigner in his own market, then a increased amount of employment would be afforded to the people, and the most substantial benefit that it was possible for any legislative measure to confer upon them would be secured. The hon. Gentleman said that the advocacy of free-trade principles was a new idea in his (the Chancellor of the Exchequer's) mind; but if the hon. Gentleman had done him the honour to refer to his speeches as far back as 1830, he would find that at that time he had advocated the total repeal of the duty on beer and leather; and had ventured to predict that, from the stimulus which would be given to industry by the repeal of those taxes, the loss to the Revenue would in a short time be compensated. The effect which he had anticipated was not felt in the subsequent year, but in the succeeding year his prediction was realized. He denied altogether what the hon. Gentleman had stated about the collection of the Income Tax being generally complained of throughout the country. The cases of alleged injustice were forwarded to him, and they did not amount to anything like the proportion which might be supposed from what the hon. Gentleman had stated. He believed that the feeling against the continuance, for a limited period, of this tax was not as had been represented. He said this, because he recollected that formerly, when this tax was felt to be oppressive in its operation, petitions from all quarters were presented against it; but now they had hardly a single petition presented against the continuance of this tax for the further limited period of three years. They could find no indications on the Table that this tax was considered oppressive, and, therefore, in absence of all evidence to the contrary, he felt himself justified in inferring that the people were convinced of the advantage of continuing it, and that it was a burden they were not unwilling to bear, in order to be relieved from other taxes which pressed heavily upon them. He knew that there was a general unwillingness to pay any tax directly to the tax-gatherer. But he was bound to say, that as far as regarded the Income Tax, there was less of objection to it, less of dissatisfaction manifested to its collection, than occurred in any other case of direct taxation in this country. As to the hon. and learned Gentleman's argument, that this tax must be permanent, because the taxes which were to be reduced had not been properly selected, he could only say, that the same argument might be used by every hon. Gentleman, who, selecting some particular tax, according as it suited his taste, might object to the reduction of any other. Now, as regarded this proposition of the hon. and learned Gentleman, he did not think that the House would concur in his objections. They must look at the whole arrangement made by his right hon. Friend for the service of the year. They must look to the amount of taxation which his right hon. Friend had to provide, before they could abandon altogether the Property Tax. And then it became a question whether they should re-enact this tax for a limited period, by which they would be enabled to get rid of other burdens which pressed heavily on the industry of the country, and more particularly on the labouring classes. If they now adopted the Amendment which the hon. Gentleman advocated, namely, to exempt particular cases from the operation of the Act, and to attempt by new enactments to make its operation perfectly equal, it would lead to consequences which the House ought well to consider. The result must be, to impose on some classes heavy burdens to the extent to which they afforded relief to others. Such a proceeding might render it impossible on the part of the Government to limit the continuance of this tax to the period for which it was now proposed. He believed that by pursuing the course which the Government had recommended, by remitting and readjusting other articles of taxation, the Revenue would not be deteriorated; but that, on the contrary, it would happen now, as it had before, that the reduction on some taxes would be compensated by the increase on others. On these grounds he should resist the Motion. He could see no reason to suppose that there would be a necessity to continue this tax beyond the period of three years. During this period, to reduce its amount, or to alter the scale under which it was now levied, and which, as far as anything of the kind could do, gave satisfaction, would neither tend to produce the objects which the hon. and learned Gentleman stated, nor would it, considering the short period for which it was proposed, be in other respects desirable. The House should not allow itself to lose sight of the circumstance that the Government only proposed the Property Tax for a limited period—that, by doing so, they were enabled to remove other taxes which bore heavily on the country. He would more especially allude to the modification of the Sugar Duties as a change which must be productive of great advantage to the poor, to the abolition of all duties on glass, and to the removal of the auction duty, which, although not large in amount, was extremely vexatious as regarded the transference of property. In addition to this, he might mention the total repeal of duties on a great number of articles which entered largely into the manufactures of the country—on dyes, drugs, ores, &c. As for the selection of other taxes to be dealt with in preference to those proposed by the Government, he would only again observe, that it was very easy to say that the repeal of one would be better than that of another. He did not, however, fear comparison of the taxes selected by the Government with any others that could be pointed out; and he declared, that in the choice they had made, their object had in all cases been the removal of those duties by which they believed that the industry of the country, and the comforts of the great body of the people, would be best promoted. He believed those objects would be fulfilled, and he, therefore, preferred the plan of Her Majesty's Government to any other that had been pointed out.

Viscount *Howick* observed, that from the language of the right hon. Gentleman, and from the manner in which Her Majesty's Government dealt with the subject, they held out to the House and the country very little hope of getting rid of the tax at the end of three years. He thought it must have been perfectly obvious to every Gentleman who had listened to the speech of the right hon. Gentleman, that he cautiously avoided going into any detail as to his grounds for supposing that there would be that great increase in the Revenue, on which alone it was obvious that he grounded his hope of being enabled to get rid of this tax. All that the right hon. Gentleman said was, that if they took off one tax it was generally followed by an increase in others; but the illustration on which he chiefly rested for this opinion was very inconclusive. The right hon. Gentleman pointed to the year 1830, and to the reductions which he then made in taxation. Now, if he were not greatly mistaken, the circumstances of that time were entirely different from those of the present time. In the first place, as to the tax on beer, which had been described by the Chancellor of the Exchequer as having been altogether taken off, and not merely reduced from a before excessive amount, he must observe, that although nominally it was an entire removal of taxation from a particular article, it was not so actually. He considered that when the right hon. Gentleman removed the duty on beer, he removed the worst part of the duty on the article. The tax on malt and that on beer were so connected, and the total amount was so great, that it was natural to suppose the removal of the beer duty would lead to an increase of revenue derived from malt; and above all as the duty was partial and unequal, and as it only fell on a portion of the whole quantity of beer brewed, the duty on malt immediately began to rise, and that was one of the many causes of the removal of the beer duty not being attended with loss to the Revenue. There was another cause existing in 1830 which did not operate at the present time. Gentlemen who then had seats in that House must remember that that was a period of great distress throughout the country. There had been two or three consecutive bad harvests, and these led to the unfortunate disturbances which broke out at the end of that year; and no doubt Gentlemen would also recollect that Mr. Huskisson brought the subject before Parliament in one of the most admirable speeches which he (Lord Howick) had ever listened to in that House. In the course of his speech that distinguished statesman, in describing the state of things at that time used the words which have been so often quoted, and said, "That the pressure upon the springs of industry" was too great, and required to be relieved. On that occasion the present Secretary for the Home Department joined his late Colleague in the Cabinet (Sir E. Knatchbull) in support of an Amendment moved by the latter, of which the object was to declare with reference to a statement in the Address in answer to the Speech from the Throne, that the distress was not partial, but general. On that occasion many of his (Lord Howick's) friends, as well as himself, had the honour of supporting the right hon. Baronet the present head of the Government, who was then very nearly being left in a minority by the conduct or defection of some who now sat around him. The right hon. Secretary was one of the warmest supporters of that Amendment; and if it had not been for the support of a considerable portion of the Opposition to the Government on that day, they would have been left in a minority. He referred to these circumstances for the purpose of reminding the House that the remission of taxation in 1830, which the Chancellor of the Exchequer had pointed out as having been followed by a rapid recovery of the Revenue, had taken place at a period of great distress; but after this, for three or four years successively, they had good harvests; the consequence was, that the price of corn fell, and, as is always the case under such circumstances, the manufacturing interest was in a thriving condition. The result was, that consumption of all articles subject to taxation increased, and in particular there was so great an increase of the produce of the malt duty, that they got more by this than they lost by the removal of the beer duty. The recovery of the Revenue under such circumstances was not to be wondered at; but he must remind the right hon. Gentleman that he was about to make the present reduction of taxation, not after a series of bad seasons, but after they had had several good seasons, and when the country was altogether in an unusual state of prosperity, and when every change which they should reasonably look to must be, not for the better, but for the worse. Therefore he thought that the House must not rely upon the recurrence of such an improvement in the Revenue as he had adverted to. The right hon. Gentleman had entirely avoided the arguments of his hon. and learned Friend, that a large reduction of taxation such as was now proposed could not take place with the same prospect of being soon followed by a recovery of the Revenue to its former amount, as there would be if they would deal with the protective duties, and with those duties which were now so high as to encourage smuggling. The right hon. Gentleman went through a list of taxes which he stated his hon. and learned Friend proposed to repeal, and he stated that his hon. and learned Friend proposed to remove 15,000,000*l.* of taxes, while they had only between 3,000,000*l.* and 4,000,000*l.* to deal with. This certainly was a most extraordinary misconception of the argument of his hon. and learned Friend, for he did not say that all those taxes which had been pointed out should be repealed; but he said that among the present taxes there were many the reduction of which would, within a short time, be attended with no loss of revenue; but with regard to those taxes which it was now proposed to deal with, there was no such prospect; there might, and he hoped there would, be much relief to the public, but there must be a great and permanent sacrifice of revenue. His hon. and learned Friend had pointed out several instances where a reduction in the tax would not fall on the Revenue, and at the same time be productive of the greatest advantage to the consumers. The right hon. Gentleman had altogether failed in meeting the arguments of his hon. and learned Friend; but at the same time he (Viscount Howick) must decline giving his vote for the Amendment of his hon. and learned Friend. He should do so on these grounds. He should do so, not that he liked the Income Tax; far from it, as he believed it to be one of the most objectionable modes that could be adopted of raising a Revenue for the Public Service; but because he agreed in what fell from his right hon. Friend the Member for Portsmouth on a former evening, that the finances of the country were not in a state to enable them to take it off, without imposing some tax in its place of another kind. Even if the right hon. Gentleman did not proceed with his proposed remission of certain taxes, the large amount of revenue now derived from the Income Tax could not be spared, without taking into the account the additional expenditure called for by the exigencies of the Public Service. This being the case, as he was not prepared to propose any other new taxes, he did not think that it was consistent with his duty to vote for the repeal of this tax, although he believed it to be one of a most objectionable and oppressive character. This was one of the grounds which would induce him not to resist the further continuance of this tax for a limited period. Nor could he at once agree to the Resolution of his hon. and learned Friend, which pointed to some modification by which the inequality and inquisitorial character of this tax was to be diminished, but did not set forth any explanation as to the mode in which this was to be effected. He strongly objected to deal with the matter in this way. If he believed they could really modify the Income Tax and make it less unequal and oppressive, he should be prepared to vote for an Amendment to that effect in Committee; but as far as he could form an opinion on the subject from reflection, and from all that he had heard in the debate, he was not aware of any modification or change that could be made in the Income Tax which would render it less unequal and unjust. He admitted that this tax was both unequal and unjust; but the question was, whether any alteration which could be made in it would render it less so? Many hon. Gentlemen on his side of the House had repeatedly said that they would not have an Income Tax, but that they were favourable to the imposition of a Property Tax; that was a tax on realised property. Now, he had never heard anything like a satisfactory explanation as to what was meant by realised property. It appeared to him that if such a tax existed, it should be imposed on property of all descriptions. On what principle of justice could they impose this tax on income derived from land, or from the funds, while the capital of the manufacturer, the farmer, or the banker should be exempted from it. It could not be said that it was in consequence of the inferior wealth of the one class; for in that part of the country with which he was connected, there were numbers of farmers who were gentlemen possessed of large capitals embarked in the cultivation of land which they held under lease, while there were also many small freeholders. Would it be just to let the former escape from the payment of the tax, while the small freeholder of 100 or 200 acres was to be liable to it? Again, why was such a tax to be imposed upon a clergyman of moderate income, who, probably, had a family to bring up, and at the same time must live as a gentleman, while the rich merchant was altogether exempted? How could they, with any sense of justice, allow the rich manufacturer or shipowner, with incomes of many thousands a year, to escape; while a half-pay officer who had a small sum in the funds had to pay it? What could be more unjust? Then he might be told that the amount of actual capital in each trade should be taxed. But supposing, as had been suggested, that a line should be drawn between the capital employed and the reward of skill? How could they estimate the amount of capital which a farmer embarked in his trade? Who was to be entrusted with the task of estimating the capital of the shipowner, having vessels in all quarters of the world; or of the banker, who might have his property embarked in a thousand different ways; or of the manufacturer, who was engaged in speculation of the most complicated character? If this was to be attempted, they would get into endless and irremediable confusion, in comparison with which the inequality and injustice of the present tax would be as a trifle. Then it was said, that a distinction should be drawn between the profit on capital and the income which was derived from the exercise of the skill or ingenuity of parties. How, he would ask, could they, in the case of a banker or a merchant, or a manufacturer, determine what portion of the return should be put down to the profit on the capital, and how much was to be given for the exercise of skill or ingenuity. Then, if they took the whole income of a banker or a merchant, why should they let off the surgeon or the professional man, who derived his income from the exercise of his profession? He confessed that he could not see how it was possible to make this distinction. If they attempted to draw a distinction between the income derived from a man's own exertions and the income from capital, they might depend upon it that they never could get over the difficulties in which they would be involved. It had been said that it was very unjust to tax men at the same rate deriving their incomes from different sources. This was the complaint made with regard to a fluctuating income arising from professional exertions, and a fixed income derived from land. He admitted that there did appear something unjust in this; but he did not see how the difficulty could be obviated. Supposing, then, you should say that a professional man should pay a less per centage on his income. His reply would be, that he could point out cases in which professional men were more secure of their income than a landed proprietor. He would put the case of a person deriving an income from an entailed estate, and who did not come into possession of it until he was advanced in life; how much less hold had he of an income to make provision for the younger branches of his family than a professional man in the prime of his life. How, he asked, if they admitted that all different cases were to be provided for, could they estimate all these distinctions; and to whom were they to entrust the duty of determining in what proportion different parties should be taxed? Could they entrust such a power to any set of Commissioners? And see how they opened the door to frauds and oppressions of all kinds, as he believed it would tend to the continued practice of tyrannical acts of the most odious character. After all, did it not come to this, that all taxes on income and property were based on a false principle? The principle of a really good system of taxation should be that of making each man pay as nearly as possible according to what he could afford to spend. This, according to the arguments that were used, ought to be the object of altering the mode of levying the tax; but he believed the best mode of arriving in fact at this result was by adopting a well-considered system of taxation upon expenditure, and upon articles of consumption. He did not believe that they could so well apportion the amount of burden which ought to fall on each member of the community in any other way. Each man knew what he could fairly expend, and if they placed the taxes on expenditure and not upon income, they would be much nearer arriving at a correct result than by any other means. This he conceived to be the proper theory of taxation, and that to impose a tax upon income or property was obviously unjust. He agreed with his hon. and learned Friend, that the Income Tax should be confined to the greatest emergencies—that was to a time of war, or to a state of things equivalent to war in time of peace. It was the duty of that House so to frame the taxation of the country that it should fall on the expenditure, and in such a manner that all classes, from the highest to the lowest, should contribute in just proportions. He included, of course, in this some of those taxes which were direct taxes—such as the assessed taxes, a house tax, or a land tax; and of course the character and nature of each of these should be strictly investigated, if they entered into the consideration of the whole system of taxation of this country. He would put as much as possible taxes on the luxuries of the rich; he would, however, confine such taxes to the point of their greatest productiveness, and not screw them up so as to induce persons to abstain from the enjoyment of luxuries. He knew, however, that if they adopted this mode of proceeding, they could not avoid imposing taxes on several articles of general consumption. To raise such a large revenue as the emergencies of this country required, they must tax articles which were used by large numbers of the people. Therefore, of course, there would be some taxes which would fall on the lower classes. He believed, if they had availed themselves of the opportunity which the present large surplus revenue afforded, and had resorted to the adoption of a system of taxation on sound principles, that they might have raised the whole Revenue by a revision of those duties which pressed so heavily on the lower classes; and that the result would have been, not only a great and immediate reduction of taxation, but that there would have been a tolerable certainty that at the end of three years they would be enabled to get rid of the Property Tax. To do this, they should, in the first place, deal with the protective duties. On Friday, the hon. Member for Stockport put a very apposite question, to which no reply was made by the Government. That hon. Gentleman asked what portion of the amount of the protective duty on sugar would go to the Exchequer, and what portion to those who were protected? He did not wonder that they shrunk from giving any answer, because he believed that it was utterly impossible to have made a calculation of this burden, unless obviously much less than the fact, that would not have occasioned great public dissatisfaction. He believed that they could not make any calculation of this burden which would not have been most revolting to the public. Although the Government did not give an answer, they had a confession from the Gentlemen on the other side. The noble Lord the Member for Liverpool at once admitted that all protective taxes were taxes on the consumer; and the right hon. Member for Newark stated that the maximum amount of the tax which, under the name of protection, fell upon the English consumers of sugar was 2,430,000*l.* The right hon. Gentleman said, that he was sure that it could not amount to more; but when this large amount might be taken, why did not the Chancellor of the Exchequer and the First Lord of the Treasury state its actual amount? He was satisfied that these right hon. Gentlemen were afraid to state for the information of the public what was the amount of the burden that they calculated thus imposed in addition to the tax levied for revenue. He was satisfied that if the hon. Member for Stockport had greatly exaggerated in his calculation, they would have contradicted it; but they had very good reason for not taking this course. It would not do for the right hon. Gentleman to admit that this tax, levied on the people of England, went into the pockets of the producers of sugar. At the same time, that there were several other taxes which brought little into the Exchequer, and took largely from the pockets of the people, they had enormous protecting duties on other articles of general consumption, such as coffee, timber, cheese, butter, and above all, corn. An enormous amount of taxes was levied on those articles which was not for the public service, but for supposed, not he believed the real, benefit of particular classes. If the Government had been prepared to look into these duties—to deal with them—they might have given a large measure of relief to the consumer, and above all, to the industrious classes of this country, and far more than could ever be hoped to be obtained from the adoption of the proposition of the right hon. Gentleman; and the adoption of this course would have left the finances of the country in such a state that there would have been every reasonable ground of confidence, that at the end of the three years any loss arising in the first instance from reduction would not only be made up, but that the Revenue would have been in such a state as to have enabled them also to get rid of the Income Tax. He was persuaded that this would afford extensive relief, and would afford a sound example for a financial system; he therefore hoped that before the next general election, which would take place before the expiration of the period for which this tax was to last, the electors of England would say, whether it were worth while to continue to pay such an odious and unjust impost as the Income Tax, and whether they were prepared to continue to do this for the sake of maintaining these protective duties for the benefit of any particular class. Disguise the matter as they might, it would come to that at last, and the people would have to say, whether they would continue to retain upon their shoulders the system of protection, which Her Majesty's Government had described as being contrary to the principles of common sense. To these principles of common sense he trusted that they would come at last, instead of entering upon fruitless attempts, in which they must inevitably fail, to improve the working of the Income Tax, which, if retained at all, it was practically impossible to make less unjust or less unequal than it now was. He trusted that the time was not distant that the House would see that the only course of legislation, consistent with wisdom and common sense, was by relieving the country from this cruel burden, which was only kept up for the purpose of upholding protective duties, which brought nothing to the Exchequer, while they were so oppressive to the consumers.

Sir *R. H. Inglis* acknowledged the ingenuity by which the noble Lord's speeches were always distinguished, whatever he might think of the consistency with which he denounced the tax as most odious and oppressive, and then protested that he would vote for it. Now, the hon. and learned Member for Liskeard asked no man to vote against a Property Tax; he did not wish to entrap the noble Lord into such a vote. But the hon. and learned Member asked them to render that more fair and tolerable which was to be perpetual. If no man had got up to state positively that in three years the tax would be renewed, no one, on the other hand, whether a Member of the Government or not, had got up and stated to the House his personal belief that the tax would, at the end of that period, be removed; and he would ask, did they not all entertain a moral conviction that it would not be removed at the end of three years? He believed there was not a Member in the House who did not feel a moral certainty that at the end of the ensuing three years the Income Tax would not be repealed, but would be renewed and probably continued for ever; and if that were so, he thought that the House ought to do more than merely renew the present Income Tax: they ought so to reform it as to leave little room for improvement before they now agreed to it with a great probability of making it perpetual. The right hon. the Chancellor of the Exchequer complained that the proposition now brought before the House had taken him by surprise. With reference to one proposition, he did not think his right hon. Friend could make that complaint; he meant the proposition which he (Sir R. H. Inglis) had submitted to the House on the first day of the discussion of the Budget, and which, indeed, he had brought forward in 1842, which would have the effect of relieving a large portion of the poorer classes of his fellow subjects from the burden of this tax; and he had anxiously hoped that his right hon. Friends the First Lord of the Treasury and the Chancellor of the Exchequer would have taken that suggestion—which was made in perfect good faith—into their serious, and, he would add, their favourable consideration; for he believed that it was their duty to render that measure which, under the most favourable circumstances, was regarded with aversion by many and with suspicion by others, and which he never understood was regarded with favour by any large class till now, that he heard the statement of the Chancellor of the Exchequer—he believed that it was their duty to cause that measure to press as lightly as possible upon the lower classes of their fellow subjects. The Chancellor of the Exchequer said that it was unfair to make these propositions, reducing the amount of the tax, unless they were prepared to come forward and provide a substitute. Now, he met that statement at once by this, that if the Motion of his hon. and learned Friend the Member for Liskeard were adopted, it would not necessarily deprive the Exchequer of a single sixpence that was expected to be realised. He wished only that there should be such a revision of the principles on which the tax was founded, as would render it bearable. If, indeed, he thought that the Income Tax was to be continued only for three years, he should not only not complain, but he should be unwilling to bring forward the case of those who did, but would endeavour to bear it, and induce others to bear it with what patience they might be able to assume. But the case was very different here. During the four weeks the measure had been under discussion, no hon. Member had stated his personal opinion that this tax would be repealed at the end of three years. All they had obtained from the Ministry, which was less than was obtained from them three years ago — was the assurance that it would probably be in the power of the House to repeal the tax at the end of three years. Why that was a legislative truism, which it did not require the authority of the Treasury Bench to assure the House of. But would any right hon. Gentleman say, that at the end of three years they would be in a condition to repeal that tax? Now, he would content himself with the statement of any one of their supporters, either on this side of the House or on the other, who would pledge his character that the Income Tax would last for three years, and for three years only. But till that statement were made, he held that they were bound so to modify that tax as to render it as little odious as need be. He could not agree with the noble Lord the Member for Sunderland, who argued that it was impossible to make the distinctions between property and income available for the purposes of finance. He was aware there were difficulties in the way; but they were not insurmountable. With regard to annuities, it mattered little to the tax-gatherer, whether they were derived from the funds, from Bank interest, or from land. And with regard to the difficulty of valuing a profession, he would say, let its value be taken according to the probabilities of human existence. He conceded a great deal when he stated that; but in that way their value was easily calculable. Let them go to Mr. Morgan, the eminent Actuary, or let them take the Government tables, and estimate the probable duration of the man's life; in this way let them capitalize his income, which, notwithstanding all that had been said, he was obtuse enough not to see the unreasonableness of doing. Though it might be difficult to apply these principles with perfect accuracy, yet it was far from being impossible; and on such an important subject, it was certainly worth the while of the Government to apply themselves to a solution of the problem. With reference to the proposition he had himself made, he was aware of what had been stated by the First Lord of the Treasury in opening his Budget—that all taxes were in themselves objectionable. They were necessary evils, but still their operation might be so qualified as to reduce their amount of grievance to a degree which was comparatively bearable. His object was to relieve from temptations to fraud, and also from a severe pressure of taxation, persons holding situations not amounting to more than 150*l.* a-year. It was no unreal case he put, when he said that gentlemen were strongly tempted, and not in vain, either to reduce the nominal amount of their income, or to say that it might be so reduced as to come below the standard for the tax. Had they any right to tempt large numbers of their fellow-subjects in such a way as this? But, said the First Lord of the Treasury, these persons receive back an equal amount in the reduction in the price of articles of consumption which had been caused by the Tariff. Now, he was ready to admit, to many people the reduction in the price of meat and other things was so considerable, as in a great degree to compensate them for the imposition of the Income Tax. But no man would contend that that applied to either extremity of the scale. It did not apply to the higher extremity. Such reductions could never be an equivalent for the tax paid by a nobleman of 50,000*l.* a-year; and, on the other hand, it would make little or no difference to persons of 150*l.* a-year. He could assure his right hon. Friend—if, indeed, it needed his authority to assure him, because it was probable that the right hon. Baronet had had more communications on these subjects than he had—that to persons with salaries of 150*l.* and under, but little relief was afforded by these measures. There were large numbers of that class, who, whether meat were 7½*d*., or 6½*d*., or 6*d*. per lb., could never indulge themselves in that which, to them, was a luxury, as if it were absolutely forbidden. There were many of them who, according to the representations made to him, never tasted tea. He might, if necessary, go through the whole 420 articles of the Tariff that had been reduced, and show that the reduction in the price of these articles was of little or no value to those on behalf of whom he had brought forward his proposition. The noble Lord who had just sat down had made what he might call his Budget speech; because, undoubtedly, it did not bear so much upon the proposition now before the House, as upon the whole financial condition of the country. He, for one, did not regard the Budget either as a poor man's Budget or a rich man's Budget; but he must say, that there were considerations which induced him to desire that considerable alterations had been made in the scheme of the right hon. Baronet with regard to the disposal of the surplus. The right hon. Baronet had a larger surplus than was ever before possessed by any Minister in his situation. He was not aware that, in any period within the present generation, any Minister had come down to the House and declared that he was in possession of a clear surplus of 3,500,000*l*. He wished that some proportion of that surplus had been disposed of in a way that would benefit other than the *materiel* interests of the country. He wished that something had been done for the relief of that spiritual destitution which he contended was as directly connected with the ill-being of the country as any proposition that could be brought before the House. With such a surplus at his disposal, it would not have been unbecoming the character of the First Minister of the Crown to have applied a portion of it to the relief of that spiritual destitution. And there was another consideration which he owned did weigh much with him. It was stated thirty or forty years ago, by Sir John Newport, that the Parliament of England was not only systematically opposed to any act of a spiritual character, but also to the exercise of charity altogether. The Parliament interfered, he would not say, to dry up the sources of charity, but certainly to throw impediments in the way of its exercise in the case of persons who were about to leave the world, and which he did think was as uncalled-for as it was contrary to sound policy, and inconsistent with the general good of the country. The House was, perhaps, not aware of the amount which was drawn away from charity by the operation of the legacy duty. The sum was small in its effects upon the Exchequer, but it was large to the particular charities from which it was diverted. The amount diverted by the legacy duty from the funds of the British and Foreign Bible Society in the course of three years, was 2,900*l*., or about 950*l*. a-year. The sum lost to the funds of the Church Missionary Society from the same cause amounted to 1,590*l*., or about 500*l*. a-year—a sum which would be sufficient to maintain three missionaries. If the nation would not of itself undertake some great scheme of Bible and Missionary work, at least, let not the sum which thus went into the national coffers be allowed to interfere with the benevolent designs of private individuals. But it was not only with regard to these objects, which he certainly regarded as of pre-eminent importance, but in mere worldly objects the same interference occurred. One hospital had lately a legacy of 146,000*l*. left to its funds, and from that sum they were compelled to pay a legacy duty to the amount of 14,000*l*. He did not think that any economist would object to the relief of these charities from the burdens which the existing law imposed. The whole amount would not exceed 50,000*l*., but he was willing, for the sake of argument, to admit that it might be 75,000*l*. or 100,000*l*. Now that sum, if distributed over the different sums which charitable donors intended to devise, would do a great deal more good than the House had ever done in this direction. He would not have referred to this subject, which related to the Budget generally, rather than to the proposition now before the House, if the example had not been set him by the noble Lord the Member for Sunderland. He was not aware that he had any other suggestion to make to the House; nor should he have taken the opportunity of calling their attention to these subjects, if he had not thought that the present slack-water-time of the debate was the most favourable for his introducing them. He could not conclude without stating, that unless he heard somewhat different arguments than those that were used by his right hon. Friend the Chancellor of the Exchequer, he should, notwithstanding what had fallen from the noble Lord the Member for Sunderland, vote for the proposition of his hon. Friend the Member for Liskeard.

Mr. *Warburton* said, that the proposition for making 150*l.* a year the zero of taxation was well entitled to consideration; for you would thereby avoid the inconsistency of making the man with 149*l.* a year richer than the man with 150*l.* If the Income Tax could be adjusted without diminishing the receipts, it would be an improvement on the principle. The other proposition of his hon. Friend would lead to an inconsistency, which he was surprised his acute mind did not perceive. If an Income Tax were laid on for three years, and if one man possessed an annuity for three years, and another man possessed a perpetuity, his hon. Friend said, let us take the present value of the terminable annuity, in the one case, and of the perpetuity in the other, and let us capitalise the annuity. In the one case you had little less than the three years' purchase. In the other case you said that the value of the annuity was twenty years' purchase. You taxed the perpetuitant, first for the annuity that he possessed for the three years, and afterwards for the reversion that he would possess after the expiration of the three years. If you taxed the perpetuitant for this reversionary interest after the expiration of the three years, why were you not to tax the person who had no annuity in possession for the three years, but who possessed the reversion? The reversionary interest was 17-20ths of the whole value of the annuity. On what principle was the person who had the reversionary interest to escape payment of a sum to the State during twenty years? You could not carry into effect the Income Tax if you proceeded on the principal of capitalising income. Why? Because the person who possessed the reversion might reasonably answer, "I have no property in possession; I have not wherewithal to pay the Income Tax during the three years, unless you make it a charge on the reversion after I shall come into possession. I have not wherewithal to pay the tax." As to making the Income Tax permanent, if he thought that by so doing he could get rid of such abominable taxes as protective duties to the West Indian interests, or to those Gentlemen who were particularly represented on the Benches opposite, he would willingly do so; but even if these protective duties were got rid of, he would contend that it was far better to meet the exigencies of the State by the imposition of a Property Tax than by taxes on soap and tobacco, and other articles which required separate expensive establishments. He was persuaded that when the matter came to be explained to the great body of the people, the direct mode of taxation would be the most popular. Although in borough towns the other system might be more acceptable, he would rather lose his election than try to mislead the shopkeepers. He knew it was for the interest of the State that we should have recourse to the principle of direct taxation. He certainly could not vote for the proposition of the hon. Member for Liskeard, because he did not tell us in what the inequality of the Property Tax consisted; he had not pointed out any method of rendering it equal. According to his own conception, the principle of an income tax was a correct one. The man who had an annuity for one year, paid the tax for one year; the man who had an annuity for two years, paid it for two years—each man paid his tax as long as his annuity continued. Why should a professional man, a lawyer for instance, who had 12,000*l.* a year escape? Let him pay as long as his 12,000*l.* a year lasted. He could not conceive any principle on which the tax could be made more equitable. The noble Lord the Member for London had told us that the tax was vexatious—so were all taxes vexatious. Every shilling you laid on in the shape of an Income Tax, came home to every man's purse, and every man was zealous about its increase. If you laid a tax on timber or tea, it escaped notice, for men calculated on avoiding it; but if you increased the Income Tax by one halfpenny, all men knew it would come home to them; and there could not be a greater security for the maintenance of economy in our expenses.

Mr. *M. Milnes* was surprised at the statements made by the hon. Member for Kendal. He thought it was an axiom of political economy that, having regard to the circumstances of the country, it was absolutely impossible to raise the necessary amount of revenue by any system of direct taxation. He believed that that point had been fully established; and that the question for them then, or at any other time, to consider was, whether it were possible that all the revenue could be raised by a system of direct taxation, but whether a portion of it might not be raised in that manner. He owned that, after giving the best consideration he could to this matter, he had come to the conclusion, and he hoped he should be able to adhere to it, that to raise a portion of the revenue by direct taxation was the best and most economical way of raising the revenue of the country, because by that system they were able to get the largest sum from the richer classes, as by a system of indirect taxation they were able to get the largest sum from the poorer classes. It was by a skilful combination of these two systems that they were to sustain the revenue of the country. He felt that it might be considered impertinent in him to lay any abstract proposition before the House; and he should never have thought of doing so, if he had not, like the hon. Member for Oxford, been seduced by the example set by the noble Lord the Member for Sunderland, who, he regretted to see, had left his place. That noble Lord had laid down propositions which they might or might not believe; and he for one, did not believe that the large assumption, on which the greater part of the noble Lord's speech was founded, that it would be possible to raise the revenue without the Income Tax, merely by the process of relieving the country from the burden of what he called the protective duties, could be justified. He believed that these assumptions had found many hon. Members, besides himself, incredulous as to the validity of the noble Lord's arguments. That which the noble Lord assumed was the question on which the country had judged at the last election—that was the question which divided those who sat on this side of the House from the noble Lord opposite and his friends beside him —it was the vital question, whether it were better, in the present complicated state of the national interests, to give up the protecting duties in favour of the land in England and in the West Indies. He believed that it was that principle which had placed his right hon. Friend in the position he now occupied; and he believed farther, that to that proposition his right hon. Friend adhered, and would adhere. That proposition was the principle of protection; but how far that principle might be modified, was an entirely different question, on which his right hon. Friend had as good a right to judge as others. But he was satisfied that the principle itself was at the bottom of his commercial policy, and the right hon. Baronet had done nothing to make them suspect that he denied it, and he was happy to take this opportunity of publicly proclaiming his belief. The hon. Member for Oxford had been under the painful necessity of making a speech tinged with rebellion to Her Majesty's Government; and it might be some little consolation to the hon. Member to find how much he agreed with him. However subtilely the question might be put by the hon. Member for Kendal—however the acute mind of the noble Lord might have shown the difficulties of drawing distinctions in the Income Tax—notwithstanding this, he would confidently appeal to the common sense of the country, to which the noble Lord had appealed—whether industry should be taxed in the same proportion with idleness; whether some distinction ought not to be drawn between the most precarious and the most solid sources of income; and whether there should be exacted the same amount of direct taxation from the person who might be deprived of his income in a moment, as the man who rested in repose and security upon the enjoyment of his property, protected as it was by the Government of the country. He believed that there would be no practical difficulty in the matter: he believed that the country would not question some rule of division as applied to it; he believed that 5 per cent. on land and funded property, and 3 or 4 per cent. on trades, professions, and avocations—or some gradation of that kind—would be acceptable to the country; and, moreover, he believed that whatever might be the present opinion of his right hon. Friend at the head of the Government, when it was remembered that on a former occasion, he had declared that an Income Tax should be reserved for a period of the greatest difficulties, and for an emergency of the country—and when it was borne in mind that that emergency had not arisen—he had no doubt that another change in the same direction might follow, and that his right hon. Friend would ultimately adopt a certain amount of direct taxation in conformity with the wishes and necessities of the country. He would, therefore, have suggested to the hon. and learned Member for Liskeard, if he had been in the House, that he should not divide on the Motion. He would suggest it for many reasons, but more especially because of the complexity of the arguments which had been used in the discussion, and the difficulty of deciding who would vote for, and who against it. He (Mr. Milnes') own feeling was, that a Resolution of the kind proposed by his hon. Friend, was perfectly useless at the present moment; inasmuch as the opportunity of carrying it had been suffered to pass by. If Her Majesty's Government had been met directly, when they declared, at the commencement of the Session, that the Income Tax was to be continued, there might have been a chance at that stage of the procedings of doing that which at present, as things stood, was quite impossible. The present debate might be regarded as a preface of the future; but there had been a remarkable silence observed by the House on the subject of the Budget of his right hon. Friend, and very few words were said against it. And he could not help coming to the conclusion, that if the oppressions complained of in regard to the Income Tax had been as frequent as had been stated—and if the majority of the manufacturing and commercial classes of the country had suffered severely, they would, undoubtedly, have complained—he could not help concluding that, if it had been even as obnoxious and as inquisitorial as the assessed taxes, or even as the excise duties, there would have been more petitions presented against it than had as yet been laid on the Table of the House. He could not, under these circumstances, help thinking that the assent of the public had been given to a certain amount of direct taxation. With all its inequalities and occasional injustice, the Income Tax was approved of by the country. Believing that, but believing also that it was not wise to carry the principle of direct taxation too far—to carry it to the point of making every man in the country feel an immediate addition to the general taxation—believing that to adopt that plan would be to peril the safety of the country, and to place its honour in jeopardy, to have to tell every man, that he should pay so much for going to war—believing all this he felt convinced that, by a certain amount of indirect taxation only, could the honour, the credit, and the safety of the country be preserved sacred. It was not for him to criticise the appropriation of the surplus revenue by the Government, nor was it for him to speculate as to the future state of the finances of the country. The right hon. Gentleman at the head of affairs had good reason to be thankful for the watchful interposition of Providence, as shown in the succession of favourable harvests, and the conjunction of fortunate circumstances; but, nevertheless he could have wished that a larger margin had been left by his right hon. Friend, and that some proportion of that surplus had been retained for those purposes recommended by the hon. Member for the University of Oxford, as well as for the promotion of those great national defences which, he believed, were the best preservatives of the country against the jealousies and animosities of other nations. He could not look at the present state of Europe, without perceiving circumstances in its condition calculated at any moment to draw England into a Continental war; and as that flame, which was kindled in a neighbouring nation in 1840, was not as yet subdued, it behoved a Minister to be always in a position to meet its outbreak, without coming directly to Parliament for the means that should have been previously provided.

Mr. *Hawes* said, that the hon. Gentleman the Member for Pontefract, who had just sat down, seemed to think that the people of England had consented to the Income Tax, because no one rose strongly to oppose it in that House, and because the Table of that House had not been loaded with Petitions in opposition to it; but he would remind the hon. Gentleman of two or three trifling circumstances attending the imposition of that tax, which seemed to have escaped the hon. Gentleman's recollection. In the first place, the tax was to continue only for three years; and next, they were told that it had been introduced to raise the income of the country to a level with its expenditure, and that trade would in the mean time spring up revivified, which would render its renewal at the end of three years unnecessary. Now, he believed there was no man in that House, he believed there were few in the country, who would not give up a great deal to bring the income up to a level with the expenditure of the country. Well, the tax was now again proposed, with a remission of other taxes; again for three years—and again they were told that the trade of the country would, in the mean time, so improve, that they should be able, at its expiration, in consequence of their increased income, to dispense with that tax. There did appear to be in that House Gentlemen who relied upon that statement, and who regarded the Income Tax as a necessary, but only temporary, evil. He did not so look upon it, nor, indeed, did the right hon. Baronet himself much encourage such a belief; for the right hon. Baronet casually had said that he would prefer five years to three years, and had asked besides, " Who can tell what will be the state of trade at the end of that period of time?" He concluded, therefore, that the right hon. Baronet regarded the Income Tax as a wise and prudent system of taxation, and he certainly did not expect to see it abolished quite so soon as some hon. Gentlemen anticipated. There was, however, an inquiry as to the state of the finances of the country at this time, which he thought they were bound to make. If the continuance of the Income Tax should prove to be really necessary to enable the right hon. Baronet to carry into effect the reduction of taxation which he had proposed, even then he was not prepared to say that he should vote for the tax; but he was prepared to say that he believed all those reductions might be made without a continuance of that tax. As he had understood the right hon. Gentleman the other evening, the estimate of the income of the country for the ensuing year, up to the 6th of April, 1846, was 51,100,000*l.*; and the estimated expenditure was in round numbers 49,690,000*l.*; therefore on the 5th April, 1846, it was quite clear that the right hon. Gentleman anticipated a balance of something like 1,400,000*l.* Now he would wish to call the attention of the House to two circumstances. He could not of course suppose that the right hon. Gentleman had suppressed anything which he ought to have stated; but he believed that the right hon. Gentleman attached less importance to some items than he (Mr. Hawes) did. The right hon. Gentleman assumed that there would be a decrease of 300,000*l.* on Excise and Customs. [Sir *R. Peel:* Why don't you state the items separately?] He had not got the documents, and could not give them separately. [The *Chancellor of the Exchequer:* They had estimated a decrease of 500,000*l.* in the Customs, and an increase of 300,000*l.* in the Excise receipts.] He would say, then, that there was an anticipated decrease of 200,000*l.* on Excise and Customs. Now this was described to be a year of great prosperity; on that prosperity the right hon. Gentleman had founded his argument in support of the continuance of the tax, on the ground that trade would increase and flourish; and if it were a good argument for the right hon. Gentleman to apply in that sense, it was also a good one for him (Mr. Hawes) to apply when he assumed, in opposition to what the right hon. Baronet had said, that the Excise and Customs' receipts of the ensuing year would be more productive than in the last year. He said, then, that the right hon. Gentleman had no right to assume that they would be less, and he should add 200,000*l.* to the income. But that was not all. The right hon. Gentleman had altogether excluded corn, and that on a very peculiar ground. Under the old Corn Law he could understand why ——

Sir *R. Peel:* Would it not be better, before you proceed, that I should just state what I did say? I said that the revenue derived from corn last year was rather more (I think) than 1,050,000*l.*—that is, for the year ending 5th of April, 1845. Of course that constituted a part of the Customs' duty received that year. I calculated on receiving a less amount from corn next year than last year, on account of the abundant harvest. I estimated, therefore, that there might be a reduction in duty received from corn to the amount of 500,000*l.*, and that sum, of course, I estimated that the Customs would be deficient.

Mr. *Hawes* quite understood that statement; and to take the case in the most unfavourable way for his own argument, he would admit the estimated surplus of 1,400,000*l.* as the correct one. Now, it was quite clear that with that surplus the right hon. Gentleman might repeal the duties on cotton, coal, and glass. The duty on those articles amounted to 1,400,000*l.* Of course, in that way a very narrow margin would be left; but with that the right hon. Baronet could hardly quarrel, for he himself preserved a margin of only about 90,000*l.* He believed, therefore, that the reduction on the main articles of trade might be accomplished with the estimated balance. But, then, there were other things; and if the corn duties and the extra receipts on Excise and Customs were not allowed, he should not recommend the abolition of the auction duty, or of the duty on those other 430 articles that had been alluded to by the right hon. Baronet. He should oppose the abolition of the auction duty, because the Commissioners appointed to inquire into it recommended a commutation rather than the entire repeal of that duty, and he believed that by modifying that duty, and improving the mode of its collection, it would increase the Revenue, instead of proving a total loss to it. With regard to the 430 articles of the Tariff, he did not believe that the Customs' establishment would be reduced in consequence of the abolition of the duty upon them; because the inspection and clearance of ships, and all the serious items of expenditure in that establishment, must be continued as at present. Everything that came in must be subject to examination and inspection, as now; and the very same forms must still be maintained. Many of those articles yielded but a small amount, it was true, to the Revenue; but, little as it was, he saw no reason for losing it, unless trade was to be improved in consequence. But then, supposing that we had all these advantages, it must be remembered that we had the great counterbalancing disadvantage of 5,000,000*l.* from the Income Tax. Then the would ask the House to look at the way in which sugar was treated. The right hon. Baronet reduced the duty on sugar, and merely to enable him to reduce that duty the Income Tax was continued. According to the right hon. Baronet's own showing, the sensible reduction in the price of sugar to the consumer would be about 1*d.* a lb., and the total loss to the Revenue would be 1,300,000*l.*; yet for that was the tax of 5,000,000*l.* imposed upon the capital and industry of the country But with regard to that sugar no one could deny that at least 1,000,000*l.* of the sum received from that source went into the pockets of the West India proprietors. So that they had 5,000,000*l.* of taxation, and 1,000,000*l.* in the shape of protection; in all 6,000,000*l.* on the profits and income of the country, in order to reduce the Sugar Duties. He said, then, that he saw nothing in the present state of the country to prevent him voting against the continuance of the Income Tax; nothing that should not place it in the power of the right hon. Gentleman to take the duty off coals, cotton, and glass; and nothing, therefore, that should justify the continuance of a tax so obnoxious, so unequal, and so manifestly unjust as the Income Tax. He was not all convinced that the reduction of duties proposed by the right hon. Gentleman were reductions which would afford a compensation for the imposition of the Income Tax. His hon. Friend the Member for Liskeard (Mr. C. Buller) proposed that the House should endeavour to render this tax more just and less inquisitorial; and the hon. Baronet the Member for the University of Oxford (Sir R. Inglis) said no man in the House could now say it was a terminable tax. The hon. Baronet considered the tax to be perpetual, and he called upon the House to take into consideration, not only his own suggested modifications, but every fair and equitable modification which could be proposed. The tax being perpetual, he did not consider the argument of the hon. Member for Kendal (Mr. Warburton) of much value as against the hon. Member for the University of Oxford; therefore, under all the circumstances, there was every reason for making an effort now to remove the injustice of the tax. As to the other view of the hon. Member for Kendal, he did not consider it would be satisfactory to place any large portion of taxation upon a direct money basis; and on this subject he ventured to think the House was not aware of the amount which the direct taxation of the country bore to the income. The right hon. Gentleman the Chancellor of the Exchequer said we were now beginning to introduce a system of direct taxation, so as to make it bear a rateable proportion to indirect taxation. If this were the case, of course it was only natural to expect that all injustice and inequality should be removed. If to those taxes which were paid directly in the shape of money were added the local taxation (which was also direct), the House would find the amount was very large indeed. Indeed, we were not in a position to say that so very large a proportion of our taxation was indirect, for at this moment taking the average of the years 1842 and 1843, about 20,000,000*l.* were paid in direct and 35,000,000*l.* in indirect taxes; but if to the 20,000,000*l.* we added the local taxation, it would amount to 32,000,000*l.*; thus demonstrating that nearly one-half of the revenue of the country was imposed in the shape of direct taxes. He warned the House against expecting a much larger income in the shape of direct taxation. He was not convinced of the economy of the direct mode, and the only argument he had heard in favour of it was its justice; but, on the other hand, he believed a heavy direct tax upon capital was very likely to drive a large mass of capital out of the country. On this subject the large investments at present being made in foreign railways should give us warning that any additional tax upon profits would be an increased stimulus to drive capital away. It was quite impossible to say that the Income Tax, as proposed, was part of a system of commutation of what was called the indirect taxation of the country; and, therefore, the hon. Member for Liskeard, with great propriety called upon the House specially to say that they would not renew this tax without removing its injustice. Did any one believe that the present mode of levying the Property Tax would be borne by the people at large in unfavourable periods? You might reconcile them to the burden when plenty prevailed; but let the time come when no more taxes could be taken off, with the Income Tax, and all its inquisitorial powers retained—let a time come when trade failed and profits diminished, there would then be an amount of feeling in that House calling for a repeal of the taxes on trade which could not be resisted. Having this view, the hon. Member for Liskeard had done well in asking the House to consider the nature of this tax. He saw great difficulty in the way of materially altering its injustice, but that would not prevent him from considering the proposition; and avowing that the Income Tax, as imposed, must be attended with great hardships and inequalities, he was at least consistent, so far as discussion had gone on the question, whether in 1842 or 1845, in having stedfastly given his vote against it. In the first instance, he did not believe it was the best mode of meeting the then deficiency—a deficiency he had always considered temporary, and to be accounted for by bad harvests and the necessity for increasing our naval and military expenditure. He could not view the deficiency as of a permanent character. It was for the right hon. Baronet (Sir R. Peel) under these circumstances, to show that at this moment he could not reduce taxation—that the Income Tax was still absolutely necessary, and that no other taxes could be resorted to less odious and less unjust. Unless all this was made out, he (Mr. Hawes) must confess, so mischievous, so unjust, uneven, and inquisitorial was the tax, that nothing should induce him at any time to vote for it short of absolute, imperious, and inevitable necessity.

Mr. *Spooner* did not agree with what had fallen from the hon. Member for Lambeth, nor could he concur in the course he had taken. It was not, he considered, a wise or a prudent course to make general charges against the tax; and he thought, if any charges were preferred, they should be of a distinct and specific nature. He agreed with the hon. Member for the University of Oxford, that it was unjust to tax a man who had only a life interest at the same rate as a man who had a perpetuity; and he fully concurred in the modification proposed by the hon. Baronet three years previously, for making 150*l.* the zero of the tax, and rating all above it in proportion to a fixed rise in the scale. He did not however agree with the hon. Member for Kendal in his observations in making capital the subject of taxation; he thought there would be no difficulty in dealing with it, and he believed moreover that it would be a beneficial measure. He confessed however that he had come to a widely different conclusion from the hon. Baronet the Member for the University of Oxford, for he could not give his consent to the Motion of the hon. Member for Liskeard. A proposition could not be justly dealt with disconnected from the argument by which it was supported: and connecting the words of the hon. Member's Motion with the reasons assigned by him for its adoption, he (Mr. Spooner) could not concur in the proposition that it was exceedingly improbable that Parliament would have the power of dispensing with the continuance of the Income Tax at the end of three years. He was not then called on to give any opinion on the general question; but if he were to give one, it would be, that the principle of a Property Tax was the best that could be applied to a people; and he might add, that if complaints were made against it, they were on the ground of its occasional inequality, and not against its principle as a question of justice. He (Mr. Spooner) could not agree either with the hon. Member for Liskeard, that, from the nature of the Budget of the right hon. Baronet, it was impossible to reduce the Income Tax. On the contrary, he believed that the effects of the right hon. Baronet's propositions on large branches of manufactures and industry would be so great as to increase extremely the facilities for taking off the Property Tax at the period suggested. He could not concur in the sweeping condemnations that had been passed on Schedule D, with respect to its unequal and inquisitorial character; if by that term he meant a total abandonment of that schedule, what was the meaning of the words unequal and inquisitorial, so applied, if they did not mean exemption of the merchants and manufacturers from the operation of the Income Tax? He was desirous of making such exemptions as fairness and justice required; but he was not disposed to release from a proper share in the expenses of the State the large incomes produced in trade, especially at a time when the tax under consideration was introduced for the very purpose of a great experiment intended to promote the manufactures of this country. Under such views then as he took, it was impossible that he could agree to the condition proposed by the hon. Member for Liskeard. He would not at that moment state what the reasons were for proposing the Amendment of which he had given notice; but when the proper time came, he thought he could show hon. Members that he had a very plain case, and he could assure them he should take a very short time in stating it.

Mr. *Hume* said, the propositions advanced by his hon. Friend (Mr. C. Buller) and his hon. Friend the Member for Lambeth, contained two questions, which he considered were distinct, and ought to be kept separate. His hon. Friend the Member for Lambeth had entered a little into the financial statement of the year, which he (Mr. Hume) thought ought not to be meddled with on the present occasion. The time would come when that question would be more properly discussed, because the right hon. Baronet had told the House that he did not want the Income Tax to be reimposed for any financial purposes of the year; and he had shown that, taking into account the arrears of Income Tax which would be due to April, 1846, he would have a surplus of 1,400,000*l.* The present was not the time to discuss that question; but the question to be considered by the House, he conceived, ought to be, whether they were willing to raise five millions of taxes directly, by a Property and Income Tax, and whether the operation of that measure would be more beneficial to the country than to allow the former system of taxation to continue. In choosing between direct and indirect taxation, he was decidedly of opinion that direct taxation ought to be resorted to, and that relief ought to be given to those interested through the channels of indirect taxation. Was this an additional tax upon the country? If the right hon. Baronet was correct in his calculations it would not be so, but would be only a change. He had already explained that 5,000,000*l.* of taxation would be only removed from those who were unable to bear it, to those whom their property rendered better able to sustain it. His hon. Friend must have been under a mistake when, in alluding to the amount of direct and indirect taxation, he stated the former at 20,000,000*l.*, and the latter at 30,000,000*l.* He found the total amount to be 50,000,000*l.*, free of all charges. Of that total, the Customs amounted to 19¼—that was an indirect tax; the Excise 13¼—was that, again, direct? Of stamps, a large portion was indirect; Crown lands and other items so small as scarcely to deserve to be taken into the calculation; but on the whole, the direct taxes—land and assessed—were only four and a quarter millions. Leaving the Property Tax out of the question, out of the fifty millions there were only four millions and a quarter of direct taxation. The complaint which he had always made since he had the honour of a seat in that House, was, that taxation was laid upon the poorer classes, and that property was almost exempted. This was unlike the practice of any other country in the world. Look at France, where there were thirty millions of direct taxation. In Belgium, the land tax was 20 per cent. at once, without calculating those imposts which fell partly upon the soil; but England was exempt from direct taxation more than any other country, and thus the mass of the community were obliged to bear those expenses of the State which property ought to sustain. The effect of this system of taxation was, gradually to reduce the different classes in the country into rich and poor; the very rich being those possessed of capital which was not taxed, and the very poor those who were compelled to bear the burdens of the State. In the year 1835, he (Mr. Hume) had made a calculation of the amount of indirect taxation, which he found at that time to be 72 per cent. out of 100. The proportion of taxation which was partly direct and partly indirect, was from 7 to 12 per. cent., and the rest he allowed to be direct. That was not the state in which the finances of the country ought to be, if we wished to relieve labour and industry from their burdens, with a view of regenerating the population of the country, and freeing it from the pressure which weighed upon it. If the Legislature persevered in the course now proposed by the Government, he looked forward with confidence to see the Excise and other indirect sources of taxation abolished. His hon. Friend who had brought forward this Amendment, and the hon. Member for Lambeth, asked what relief would be derived from the removal of the duty on the 430 articles specified; and his hon. Friend had mentioned some of the most trifling of those articles, in order to turn the proposition into ridicule; but let him look to the general sweep upon all articles used in manufacture—all dyestuff, all drugs, and everything which would tend to relieve the industry of the country from its shackles, and to enable us to cope with the productions of other countries. Why had the industry of England been hitherto fettered, and why had there been so many of the people idle? Because they could not find employment; and the reason why they could not find employment was, because we could not find a vent for our manufactures. There was capital enough to afford employment to every man in the country, if we were in a condition to meet the producers of other nations in the Foreign market. Would any man take any of the articles from which the right hon. Baronet proposed to take off the duty, and say that it would not tend to enable us to compete with other countries, and to remove that character of pauperism which was threatening to destroy the independence and the prospects of the industrious classes in the country? He (Mr. Hume) might be too sanguine—perhaps he was; but it appeared to him that this was the only course by which the industry of the country could be freed from the trammels by which it was bound down. The hon. Baronet the Member for the University of Oxford said, that a portion of the funds derived from taxation ought to be applied to the relief of spiritual destitution. He (Mr. Hume) held that there were ample funds, if properly applied, to remedy any evil that existed of that character. He wanted relief for the physical destitution that prevailed; and he told his hon. Friend that his efforts to relieve spiritual and moral destitution would thrive better when there was physical comfort. The tendency of the measures proposed by the Government was, to remove restrictions from the Customs, and to cause a large reduction of the expenses to which the poorer classes were liable. He was confident that if they persevered in that course, the Excise might be removed, and a saving of from 850,000*l.* to 900,000*l.* could be thus effected. The duties on spirits, malt, and licenses from the Government, would be the only three that would remain, and they would merge in the Customs. He considered the relief to be afforded by taking off the duty on cotton to be most essential to the commerce of the country, and well calculated to enable us to recover that station which we ought to hold in the Foreign market. He would just take the instance of twenty ships arriving at Liverpool with cotton. As the law at present stood, they could only begin unloading at nine o'clock, and must stop at four, and it would probably take five or six days to clear the vessel; whereas, under the proposed regulations, they might begin at five o'clock in the morning, and clear the ship before the day was over. There would be no necessity for placing the goods in the Queen's warehouse, but they would go directly to the merchant's warehouse, and the whole process would be thus very much simplified and facilitated. On that ground, he looked upon the proposed change as being most important. He understood the estimate of the amount which these articles produced was 350,000*l.* Was it to the value of that remission that he looked? No; but he looked to the effect which the example would produce in Europe and throughout the whole world, and which he expected to be attended with the most beneficial consequences. Let us say what we would, it had hitherto been the impression of foreigners that all our policy was directed by the view of enriching ourselves; whereas, God knows, our commercial regulations had tended to fetter industry and check our prosperity; but when once Foreign nations saw this bold and statesmanlike step taken in the direction of free trade, he thought it would have a most salutary influence upon their own policy. It was impossible to maintain that character which this country ought to hold among the nations of the world, without fostering and encouraging our manufactures. The removal of the restrictions upon the articles specified, and upon about one hundred more, from which the duty could be cut off with equal advantage, would enable us to maintain that station and character. His hon. Friend the Member for Lambeth said, if he thought this tax necessary to sustain the honour and credit of the country, he would vote for it. Could anything be more calculated to sustain the honour and credit of the country than to promote the prosperity and the independence of our artizans and our merchants? This appeared to him (Mr. Hume) to be the most effectual means of creating that capital by which taxation ought to be borne. On these grounds, he should support the proposition of the right hon. Baronet as a whole, although he objected to some of the details. As far as the plan went, he considered it a wise and statesmanlike course. He should be happy to render it as little onerous as possible, but the right hon. Baronet had declared that he would not allow of the alterations and improvements which had been suggested. Very well, then; if that was the case, what was the use of their bothering themselves with these discussions? He repeated, that he was in favour of the proposition of the Government as a whole.

Sir *R. Peel:* Sir, before I address myself to the particular Motion which the hon. and learned Gentleman the Member for Liskeard has brought under the consideration of the House, I wish to notice a few of the observations that have been made in the course of this evening's discussion upon points not immediately connected with the Motion of the hon. and learned Gentleman. And first, as to the speech of the hon. Member for Lambeth, whom I am sorry not to see in his place. It appears to me from that speech that the hon. Gentleman did not very well understand the financial statement which I made on a former evening. The hon. Gentleman objects to the imposition of the Income Tax, that there is no necessity for it, because he is of opinion that I showed that there would be such a surplus of income over expenditure as would enable us to provide for the service of the year, and dispense with the Income Tax altogether; and the hon. Gentleman says I calculated that on the 5th of April, 1846, there would be a surplus revenue of 1,400,000*l.* [Mr. *Hawes* returned to his seat.] Sir, I was noticing the counter-budget which was proposed by the hon. Gentleman; I was going to discuss the hon. Gentleman's propositions, but upon this occasion, as upon all former occasions when I have discussed these questions, I mean to discuss them simply on their merits. I shall abstain from all observations of a party character, and consider the proposition on its intrinsic merits. I was noticing the hon. Gentleman's reasons for opposing the measure of the Government, and attempting to show that I do not think he very well understands the purport of the financial statement which I made. The hon. Gentleman says I showed that on the 5th of April, 1846, there would be a surplus of 1,400,000*l.*, and he states that that surplus of 1,400,000*l.* would enable us to remove the duty upon cotton, to remove the duty upon glass, and the auction duty. [An hon. *Member:* No; the duty upon coals.] Now, I was not aware that we should have to enter into a discussion on the general question of the Budget, and I must speak, therefore, to a great extent from memory. On the 5th of April, 1846, supposing the Income Tax to be continued by Parliament, I think you would have a net Revenue amounting to 53,700,000*l.*; but in that 53,700,000*l.* would be included 600,000*l.* to be received from China; and supposing Parliament should not continue the Income Tax, you must deduct 2,600,000*l.* from the revenue on that account. You certainly would be entitled to add to the ordinary permanent revenue in the present year 2,600,000*l.*, because there is one-half year's Property Tax to be received; and consequently on the 5th of April, 1846, you would have a Revenue of 51,100,000*l.*; that is, supposing the Property Tax not to be continued. Deduct from that 51,100,000*l.* the amount of the Expenditure, which I think would be 49,600,000*l.*, if the House should approve of the Estimates we lay before it, and in that case you would have on the 5th of April, 1846, 1,400,000*l.* surplus. But if the Income Tax be discontinued, that surplus almost entirely disappears. The hon. Gentleman cannot calculate upon applying 1,400,000*l.* to the remission of duties corresponding in amount with that sum, because that surplus will be derived from the half-year's Property Tax yet to be received in the present year. Now the hon. Gentleman seems to be rather bewildered on account of the amount of balance in the Exchequer on the 5th of April, 1845, and says, you admit that there will be a balance of 5,000,000*l.* in the receipts of the present year as compared with the expenditure, and, surely, that could be carried forward to the expenditure of the next year. [Mr. *Hawes:* A portion of it.] Well, a portion of it. But I apprehend that surplus will be thus applied—first, 2,000,000*l.* of it will be applied to the payment of Exchequer Bills issued for opium compensation. Another portion of it will be applied under the Acts of Parliament to the reduction of the national debt. A portion of it, certainly, goes to increase the balance in the Exchequer, and in that respect we are in a more favourable position than in the previous year; but I apprehend that that increased balance in the Exchequer will only relieve you from the necessity of borrowing money from the Bank, and that is not fairly applicable to the diminution of the expenditure for the year. Therefore I must say that the hon. Gentleman's calculations and his reasons for opposing the continuance of the Income Tax are really without foundation. The hon. Member for Montrose says that I declared it was not my intention to propose any alteration of the Property Tax, and that, therefore, it was useless to discuss these Amendments. I tell the hon. Gentleman that I shall feel myself bound to state my reasons for opposing any Amendment; but I think the better course will be to consider and discuss such Amendments when they are brought forward, than to state them upon the Motion of the hon. and learned Member for Liskeard; for the hon. Member, in bringing forward his proposition, studiously abstained from noticing any of them. He merely said "Vote for my proposition," and his speech was directed against the whole of our financial course. The hon. Gentleman ought to have concluded with a Motion condemnatory of the Income Tax, and not with a Motion recommending some small modifications. If the hon. and learned Gentleman had other modifications to suggest, why not state the nature of them? Why should he purposely abstain from any reference to them? Why make a Motion pointing to modifications, and make a speech that had no allusion to them? I hope the House will not commit themselves on the details, until they have heard the particular proposition; because I think that when they come to consider the policy of making Amendments in the existing law, the more these Amendments are discussed, the more will they doubt the expediency of them. I will take that one which appears to be considered by many hon. Gentlemen the most plausible and specious; that is, the Motion of my hon. Friend the Member for the University of Oxford, who proposes that an income of 150*l.* a year shall, as it has been called, be the zero of taxation. But if the suggestion of the hon. Baronet were adopted, it would go much further than he intended. The proposition of my hon. Friend is, that supposing a person was worth 200*l.* a-year, he should only pay Income Tax upon 50*l.* Now, that proposition means practically this, that every man who now contributes to the Income Tax shall deduct from the payment which he makes the sum he now pays for 150*l.* of his income. That sum, in round numbers, is 4*l.* 10*s.* The meaning of my hon. Friend, then, is, that every man, whatever the amount of his income now assessed to the Income Tax, shall be enabled to recover from the Exchequer a deduction of 4*l.* 10*s.* from the amount he has actually paid. I have no means of ascertaining the exact number, but I should say that there are not less than 200,000 persons who pay the tax. And under the proposal of my hon. Friend every person who pays would be entitled to deduct 4*l.* 10*s.* from his payment for the year. That would amount to nearly 1,000,000*l.* But, observe, this would not be a deduction, it would be a claim for repayment. The payment must be made in the first instance; to prevent that would be impossible; and he who can show that he is entitled to receive back the 4*l.* 10*s.* must state what his income is, and he will then receive the sum. Why that is totally altering the whole plan. In that case every man would be obliged to state what his income is, and a new process must be introduced for the purpose of ascertaining its amount. At present you do not require persons to state what their incomes are in many cases; but if you permit any man not to deduct but to reclaim 4*l.* 10*s.* from what he has paid, you must then institute a new species of tribunal for the purpose of recovering the amount. If the suggestion of my hon. Friend were adopted, the total loss would be little short of 1,000,000*l.*, by which you would relieve persons of small incomes, but at the same time you would extend relief also to those who have no claim for relief. Now, I do hope the House will seriously consider before they allow such a deduction as this from the amount of the tax. I now come to the main question, whether or no we shall affirm a Resolution which, in point of fact, is condemnatory of the plan of Her Majesty's Government. Though it does not suggest any modifications, it still requires that the tax shall be conducted upon a less inquisitorial mode. The hon. Gentleman does not point out the nature of the modification he wishes to have adopted; but he asks the House to affirm a general Resolution, leaving it to others to execute that Resolution as best they may. There is no doubt, though this is an advanced stage of the Property Tax Bill, that it is perfectly open to the House to consider whether the general principles of the financial scheme of Her Majesty's Government shall be affirmed or not. The right hon. Gentleman mistook me in supposing that I taunted those who sit opposite with any inconsistency for now supporting an Income Tax to which they stated strong objections when originally proposed. I think it perfectly open to those who may have objected to the tax when we brought it forward in 1842, now to consent to its continuance in preference to any other tax raising even a more limited amount. They find the tax established; and a process devised and in existence for raising it. It raises perhaps a larger sum than may be requisite; but seeing that some additional taxation is necessary for the purpose of providing for the Public Service and maintaining the public credit, it is perfectly open now for consideration whether it be not a lesser evil to continue that tax which is in existence, than to devise some new and possibly, in proportion to the amount, more onerous system of taxation. The imposition of this tax, no doubt, will give more than you require for the purpose of maintaining the public credit, and meeting the exigencies of the country, provided for by annual votes; and it is open to the House to consider whether it be expedient to raise that additional sum for the purpose of effecting a commutation of taxes. The additional sum will be a large one; it will not certainly be less than 3,400,000*l.* after providing for the increased estimates which will be proposed; and it is possible, certainly, that the amount might be raised by other means. If you choose to impose a tax of twopence instead of a penny on each letter going through the Post Office, you might raise a considerable sum of money by that means. I do not think, certainly, that past experience would lead us to impose any additional duty of 5*l.* per cent. on imports. Yet sufficient might be raised to meet the increase in your Navy Estimates, and sufficient to prevent any injury to public credit; and the question is quite within your province to decide, "Will you raise this additional sum by means of an Income Tax, and apply the surplus to the reduction of other taxation?" I will not revive to-night the discussion upon the Sugar Duties. The House has by a very large majority affirmed the proposition of the Government. Many hon. Gentlemen contested the policy of a discriminating duty, taking a widely different view from Her Majesty's Government upon the subject. Still the question has been fully discussed; the sense of the House upon it has been made known, and it is in favour of the discriminating duty proposed by the Government There must of course be some future decision. There must be some act conveying the final determination of the House upon a proposal of that nature; but I consider the sense of the House to be in favour of that proposal, and the subject to be exhausted as far as discussion is concerned, and therefore I will not revive it now. But, supposing there should be a loss of 1,300,000*l.* next year by the reduction of the Sugar Duties, still there would be a surplus remaining of 2,000,000*l.*, in respect of which no discussion or decision has yet taken place. And it is the proposed appropriation of that surplus of 2,000,000*l.*, against which a portion of the speech of the hon. Gentleman is directed. The hon Gentleman disclaims that! Why, what was the meaning of all the waggery of the hon. Gentleman? [Mr. *C. Buller:* I have admitted the reduction on sugar]. What I am stating is, that the hon. Gentleman not only quarrelled with our proposition in respect to sugar, but he distinctly attempted to show that the remaining surplus of 2,000,000*l.* might be much better applied than in the manner proposed by Her Majesty's Government. We propose to apply that remain ing surplus of 2,000,000*l.* in the following manner:—We propose to remove altogether the duty upon raw cotton. We propose to remove altogether the excise duty on glass, and to abolish those restrictions which are more onerous than the pecuniary imposition itself, and which prevent the application of capital and skill to the manufacture of glass. We propose also to remove the duty upon auctions; and the duty upon 350 or 360 articles, which now enter into the Customs' Tariff; making altogether a reduction of taxation to the amount of 2,000,000*l.* and upwards. I still remain of opinion that it would be very difficult to apply the remaining surplus of 2,000,000*l.* in any manner better calculated to revive and encourage the industry of this country, and to confer permanent benefit upon all classes in it, than by the remission of taxation which we propose. Some Gentlemen appeared by their smiles to share in the objections of the hon. Member to the reduction of the cotton duties. But before the intentions of Her Majesty's Government were made known, I had the honour of receiving some of those gentlemen as a deputation from the cotton manufacturers; and nothing then could be more earnest than their recommendations for the remova of the cotton duties. The hon. Gentleman has calculated the advantage which would be derived by the labourer who wears fustian, or the woman who wears two gowns in the course of a year; he said that the repeal of the duty would give them about 3*d.* a-year; and, therefore, the hon. Gentleman scouts the notion that any public advantage will accrue from the removal of the cotton duty, not positively, but as compared with other taxes which the hon. Gentleman says might be remitted. It is necessary that I should remind the House and the country of the grounds upon which we proposed to remove the duty on cotton. In the first place, no doubt, by the removal of this tax there will be a facility for the introduction of cotton at the place of import greatly superior to that which now exists. But then we were told, and told with truth, when the question was still doubtful what taxes should be remitted—that there was no tax more unequal in its operation than the duty upon raw cotton. We were told that, with respect to muslin, the amount of duty was scarcely appreciable; but that upon those articles which entered into the consumption of the labouring classes the amount of duty was not less than from 18 to 24 per cent on their value. We were told also, and correctly, that in those countries which are our great competitors in cotton manufacturing—the United States, of course, among them—not only is there no duty upon raw cotton, but the greatest facilities are afforded for procuring the raw material. In Germany, I apprehend, there is no duty upon raw cotton; in Switzerland, I believe there is no duty upon raw cotton; in France, I believe there is a duty upon that article, but there is a corresponding drawback allowed on manufactured cotton. We were therefore told that our great competitors in the manufacture of cotton have the raw material free of duty; and that therefore in neutral markets they have great advantages over us—that at Valparaiso, Manilla, and China, they do compete with us, and with great advantage, particularly in the manufacture of the heavier classes of cotton goods, on which the duty presses most heavily. Well, I look to the extent of our cotton manufactures. I see that the declared value of the exports from this country last year amounted to 50,000,000*l.* sterling, and I see that cotton manufactures alone amounted to 25,000,000*l.* sterling. Thus, taking the declared value we find that one-half of the value of the exports from this country in the year 1844 was of cotton goods manufactured in the country in the same year. That great branch of our manufactures is now in a prosperous state; but when I look to that amount, when I see how closely interwoven the continued prosperity of that branch of manufacture is with the welfare and strength of this country, I must say, notwithstanding the present prosperity, it is, in my opinion, wise to reduce a duty which amounts to eight or twelve per cent. upon the raw material; and thereby enable us to continue with a prospect of greater success our competition in neutral markets with those countries which are now our most formidable rivals. Therefore upon that ground—upon the ground of the importance of the manufacture, and upon that of the admitted impolicy of having a duty upon the raw material—upon the consideration, too, that this duty presses with no severity upon articles worn by the rich, while it presses with peculiar severity upon the coarser articles worn by the poor, we propose, and our sentiments with respect to that policy is not changed, that the sum of 650,000*l.* surplus revenue shall be applied to the reduction of the duty upon cotton wool. But if you think the remission of that tax unwise, propose that some tax in competition with it shall be removed. Tell us what that tax is. Say whether you think it more wise to reduce the tax upon tobacco, or upon tea, to the extent of 650,000*l.* than upon raw cotton, and we will enter into a discussion with you upon the subject of their relative merits; but we will do so in the fullest confidence that the ultimate decision of the House would be in favour of our proposition. Well, then, with respect to the duty on glass, I think the hon. Gentleman did admit that the remission of the duty on that article was politic. No doubt there was no great clamour raised in favour of the abolition of that duty. Moreover, I tell the hon. Gentleman I very much doubt whether the chief manufacturers of glass at all rejoice at the removal of the duty on that article. It has, therefore, been said, you have selected articles for the remission of duty about which nobody has clamoured, and you are doing that which you were not called upon to do. Now, so far from the fact of the great manufacturers being quite content at having the duty retained being a reason for retaining the duty, it is, in my opinion, one of the strongest arguments in favour of the abolition of the duty; and I say that by the 5th of April next year you will find that a great competition amongst glass manufacturers will have arisen. It is a great mistake to suppose that great capital and enormous edifices are required to manufacture glass. But if you leave the duty as it now is, the possessors of large capital and the owners of those great edifices now in use will have a manifest advantage over all the rest of the manufacturers of that article; and they have a distinct interest, therefore, in taking no part to promote the reduction of the duty. But I believe that they also will receive great advantage from the change, and that they will be able to compete with smaller capitalists. They will have the advantage of increased demand. But still their ready acquiescence in the existence of the tax is no argument in favour of its retention. But what really is the case with respect to glass? The total average of yearly exports in that article does not amount to 400,000*l.* Remove the duty altogether, and permit the free manufacture of glass, and I believe you will establish a manufacture, of less importance indeed than that of cotton, but a manufacture which is to be the source of increased industry, increased profit, and increased commerce with other countries. The hon. Gentleman was particularly merry on the subject of fustians. Now, with all respect for his abilities, I think it was hardly worthy of him to select four or five articles with odd names—"divi-divi," and such like—and then to ridicule the supposed advantages which the labouring classes in particular would derive from the remission of the tax upon those articles. It is very easy to say that the poor will derive no advantage from the remission of these taxes; but the former charge against the Government was this: "You complicate your Tariff by retaining upon it some 500 articles, from which you derive no revenue. There is no object in retaining them; it is merely the love of intermeddling with the commerce of the country that induces you to retain those articles in the Tariff." We feel the force of that objection, and we reply, we will strike them out. Then the hon. Gentleman steps in and thinks it worthy of him to say, what is the use of removing those articles? and he makes the House merry by referring to certain articles in the Tariff with hard names, and asks what benefit does the country derive from the removal of the duty upon those articles? My answer to the hon. Gentleman is, that in the 430 articles, the duties on which are remitted, are included many raw materials which are the elements of our manufactures. The hon. Gentleman says you permit alum to be brought in duty free, that bread may be the more readily adulterated. I tell the hon. Gentleman, if he be ignorant of it, that alum is an article which enters into the most important manufactures of this country; and, perhaps, there is no article with respect to which I have received more urgent applications for a reduction of duty than alum. We import alum from China; and we are continually told how desirable it is to extend our commercial relations with that country, and receive in return for our manufactures some other article besides tea. There is in China a manufacture of alum; and there is a chance of opening and extending trade with China in that article. I believe the supply of alum brought from the Roman States and Syria is very limited. Three or four cwt. was all that was received within the last few months. It was of an inferior kind, but still it was a commencement. Under these circumstances we propose to remove the duty on alum, and this is the return which the hon. Gentleman makes—"You remove the duty on alum in order that there may be fresh means of adulterating bread." We propose to remove the duty upon bark, upon skins, upon oils, upon indigo, upon all dyestuffs, and altogether on 430 articles, and not merely upon divi-divi—upon articles which are of great importance to the manufactures of this country. The total amount of loss is 350,000*l.* which, considering that the reduction is upon the raw materials of manufactures, is, I think, well applied. If the hon. Gentleman thinks differently, let him propose the remission of that tax which he would prefer; and, meeting the hon. Gentleman on that ground, I should not despair of having the sanction of the House to the removal of those articles from the Tariff, and to the simplification which we propose of the Customs. Last year, when we had no surplus, we were asked to reduce the duty upon staves. Nothing would have been more easy than to show that the agricultural labourer would derive very little direct advantage from the remission of the duty upon staves. If the hon. Gentleman calculated the benefit derivable from it to an agricultural family, he will be able to show that it is less than 3*d.*, the amount he says they will receive from the reduction of the duty on cotton wool. But is that the way in which we should estimate the matter? It was said, last year, by retaining the duty on staves, you are injuring an important branch of manufactures. You are destroying the trade of the cooper. You have opened the West Indies to a free competition with him in American staves; you permit them to be brought without payment of duty, but, by your timber duties, imposing a tax on the raw material—namely, staves from the United States and the Baltic, you are destroying the trade of the cooper. Remove the duty upon staves, and your cooperage trade will revive; the coopers will be able, by skill and peculiar advantages, to compete with America and other countries. Well, then, is it any test of the utility of the measure to say that the agricultural labourer will derive only a small benefit from the abolition of the duty on staves? You will enable your coopers to compete with advantage with the coopers of other countries, and you will confer a benefit which, taken in conjunction with other similar benefits, will operate advantageously and tend to improve the condition of the labourer. What did we hear last year with respect to the duty upon wool? For three or four successive years we were urged to take off the duty on sheep's wool, and the right hon. Gentleman may recollect the description which was then given of the woollen manufactures of this country. We felt ourselves that the earliest opportunity should be taken of applying any surplus to take off the duty on wool. Well, you removed the duty when there was scarcely any surplus; the woollen manufacture has improved, and an increase of price in your own domestic produce is the result. Every argument which applied to the reduction of the duty on Foreign wool, applies with equal force to the reduction of the duty on cotton wool. Having removed the duty on foreign sheep's wool, there is an additional argument for the removal of the duty on cotton wool, so that both branches of manufacture may compete with each other. That disposes of 600,000*l.* of our surplus. The remaining duty which we propose to remove is the auction duty. I admit that there was no clamour for the removal of that duty; but I must say, if ever there was a tax unjust in its operation, it is the tax upon the transfer of property by auction. I ask the hon. Gentleman to look at the exemptions from that tax—that is, what are the cases in which they originate. Let him look to the amount of property charged with respect to which an account is taken. The chief effect of the operation of the duty is to give an opportunity to the seller of an estate to ascertain its value, and, having so ascertained the value of the estate, he disposes of it by private contract. Thus, all your establishments with respect to this tax are kept up not for the purpose of revenue, but to enable parties to ascertain the value of their property. With respect to the sales of Colonial produce, the great importer is free from the operation of the auction duty, but the humbler retail trader is subject to it. Talk of the injustice of the Income Tax! what is it when compared to the injustice of the auction duty? It is a tax which falls upon the humbler classes of the community, when they have no option but to dispose of their goods by auction. But I understand the proposition for the removal of this duty is to be opposed. I understand a proposition is to be made for removing the duty on marine insurances instead. I should be glad to hear the reasons for that from the right hon. Gentleman opposite. [Mr. *F. Baring:* I said there were other duties which I would prefer removing to the auction duty.] I cannot deny that there are other duties which it might be advisable to remove. It is impossible, looking to the taxes of this country, not to admit that strong reasons may be urged for the repeal of duties which it is not in our power to repeal. I know it is no conclusive argument in favour of those duties to say that the auction duty is an unjust burden; but in preferring their removal to the removal of the auction duty, you ought to show that they are greater burdens. I think the general voice of the country is in favour of the selection we have made; and when you come to discuss them in relation to other duties competing for repeal, I cannot help thinking that the general sense of the House will remain what I understood to be—that, upon the whole, the duties were taken off for the purpose of encouraging industry, and conferring a benefit, not upon one class only, but upon the country at large. I quite admit that if we were to deal with some taxes on articles of consumption, a more immediate benefit might be derived, and might be more sensibly felt by the working classes; but I entreat the House to bear in mind what the effect is of removing taxes that bear on the industry of the country. Look to the amount of your poor, and observe that the poor-rates have of late years been increasing. Find employment for the people in manufactures, and you will be reducing that great burden. If you compare the reduction of the duty upon some great article of consumption with the reduction of the duty upon cotton or glass, you must bear in mind that, though the immediate benefit to the consumer may be less in the case of cotton or glass than in the case of soap or other articles that I might name, yet, if you are insuring a great branch of manufacture against vicissitude, against such distress as visited us in 1840 and 1841—if you are by removing the duty on glass giving a new scope for employment, I say you are taking effectual means for diminishing the risk of increasing the charge on account of the poor. I will not at present enter into the merits of the question of direct taxation. We propose to continue the Income Tax for three years; and the hon. Gentleman seems to take so sanguine a view of the taxes of this country generally, that I think he must contemplate the possibility of its removal at the end of that period. When that period arrives the House may determine whether or not the tax can be dispensed with—whether direct taxation can, in any shape or modification, be continued in preference to indirect taxation. I and my Colleagues have a sanguine impression that it is for the interest of the country to continue the Income Tax for the period mentioned, in order that we may make the proposed experiment respecting those taxes which do press heavily upon the industry, the skill, and the capital of the country. When I look to the amount of our Foreign trade last year, not speaking of the internal consumption, which was stimulated by a good harvest, and compare it with the trade of 1843—when I find that in 1843 it was 46,500,000*l.*, and that in 1844 it rose to 50,000,000*l.*, I do retain the sanguine hope that the removal of those restrictions upon your manufactures will still further extend your internal industry and your external commerce. Although there is an absolute remission of taxes, although we cannot, as in the case of coffee or other articles, expect an immediate benefit therefrom, and although those taxes being absolutely removed, will cease to be a source of revenue, still if their removal should increase the manufacturing prosperity of the country, that removal will, if not directly, at least indirectly, affect the revenue; it will cause an increased consumption; and although in these particular taxes you must relinquish the hope of revenue, yet by the general prosperity bearing upon the general consumption, there is, I think, a rational hope, that your revenue will compensate you for that loss. Sir, when we last proposed this tax, there was a consideration which has not been adverted to in the course of this debate.

I think the noble Lord objected to any alteration of detail, being unwilling to impair the effect of this great instrument, which we considered to have been called for by the circumstances of the country; while the hon. Gentleman admits that there has been no petition against it—circumstances which I think show that the measure has upon the whole been less onerous than was expected, and that the inquisition necessary to establish it has been conducted, through the great skill and intelligence of the Executive officers, and in particular those in the Stamp Department, with that valuable public servant, Mr. Presley, at their head—has been conducted with much less of injustice and of oppression than might have been anticipated. It is a matter well worthy of observation, that notwithstanding the continuance of this tax there has been no diminution of the receipts from other sources of direct taxation; for example, the assessed taxes have not been lessened by the operation of the Income Tax. Again, there has not been one petition against the tax. I therefore do hope that the House will still remain of the same favourable opinion which it has hitherto entertained with respect to the Income Tax; and that the House will permit the tax to be continued unaltered and without modification. I say without modification, for I do maintain that any attempt at modification would be attended with the utmost risk. I have called it an Income Tax, because I do not deny that it is an Income Tax; and, looking upon it in that light, I frankly acknowledge that I am not prepared to face the difficulties which must necessarily attend any attempt to estimate the value of different annuities. If we made any attempt of that kind, we must ascertain the liability of every man to disease; we must inquire into the state of his health; we should therefore not get rid of the inquisition which has been made the subject of such loud and earnest complaint; and, moreover, the difficulties of discriminating between permanent sources of income and temporary sources of income would be interminable. On these grounds, then, I do hope the House will approve of the tax as it stands, without alteration or modification.

Mr. *Sheil:* The right hon. Baronet has asked what tax we would recommend him to take off. I venture to suggest a tax which he can most judiciously, safely, and equitably lay on. The great object which he ought to have in view is to alleviate the hardship and injustice of Schedule D. If he will but tax his own ingenuity—if the right hon. Gentleman will only tax his own ingenuity as effectually as he is disposed to tax every profession and every trade, he will find another legitimate source of revenue, by which any deficiency arising from a modification of the Income Tax may be supplied. What tax can be more just and reasonable than a tax upon the hereditary or testamentary devolution of real estate? It is perfectly just—it cannot affect the agricultural interest, in the real sense of that expression—it cannot affect rents or wages, or throw inferior land out of cultivation. Is it not most unreasonable, that if a man bequeaths to me 20,000*l*., charged on Blackacre, I must pay legacy duty; but if he devises to me Blackacre itself, I should not pay a single farthing to the State? The hon. Baronet the Member for the University of Oxford stated that out of a legacy of 140,000*l*. left to an hospital, 14,000*l*. was paid as legacy duty. Now, if an estate worth 140,000*l*. were left to the hon. Baronet, by a man having no consanguinity with him, he would not have to make the smallest contribution to the State. I know that it may be said, that Mr. Pitt failed in the imposition of this tax; but the House of Commons was then differently constituted; and, besides, the right hon. Baronet has one great advantage which was not enjoyed by Mr. Pitt; for although Mr. Pitt was a man of the most extraordinary abilities, had a lofty and sonorous eloquence, and the stature of his mind was grand and ample, yet he could not with impunity threaten resignation; but in the present Cabinet, over which the right hon. Gentleman towers in solitary elevation, not even an Addington can be found. I do not think that the right hon. Baronet entertains a very confident hope that the Income Tax will not be perpetual. The truth is, that it depends, in a great degree, on the weather-glass. You have hitherto had good harvests; but if the elements which have conjoined in your favour shall resume their proverbial fickleness—if the earth shall yield less than her just return—the home market must be immediately affected—consumption will diminish—a deficit will arise—and the Minister will increase a tax which has a peculiar susceptibility of augmentation. How easy is the transition on the side of per centage! and with what facility and smoothness the Minister will glide from three to six per cent.! The Income Tax has always been considered as essentially a war tax. It was first enacted in an hour of extreme peril—it was repealed at the peace of Amiens—it was renewed when the French Emperor was to be again encountered; and in 1815, in obedience to the unanimous invocation of the country, this odious tax was repealed. So conscious was the right hon. Gentleman that the Income Tax was appropriated to war, that in 1842 he insisted that, although no actual declaration of war had taken place, the country was in a condition equivalent to war. He adverted to China, and to the hostile feeling of France. But all the likelihoods of war have vanished. In the political horizon not a speck can be discerned. In China, not only has peace been established on a secure foundation, but to the great surprise, and to the still greater gratification of the late President of the Board of Trade, and of the Secretary of State for the Home Department, a vast field has been thrown open to the commerce and industry of England. With France we are determined not to quarrel; and have made matter of negotiation that Right of Search which, beyond every other, we once thought that it concerned the honour of England to maintain. In the Peninsula, order—under the auspices of a French protectorate almost as unequivocal as that of Tahiti—has been restored; and in Italy, in the dominions of His Holiness the Pope, conservative institutions have, by a very peculiar instrumentality, been secured. Yet, in the midst of unruffled and unclouded repose, the right hon. Gentleman propounds the tax which ought to have been sacred to emergency—in the midst of profound peace the Palladium is brought forward. But, it may be said, wherefore should not the Prime Minister have recourse to an Income Tax when there is no cry against it? I admit that the right hon Baronet is not yet molested by what Lord Castlereagh called, I believe, in reference to this very impost, "an ignorant impatience of taxation." But there are two reasons for this temporary acquiescence: in the first place, the country is peculiarly prosperous—the weather-glass is on your side—Fahrenheit is not yet in opposition; in the next place, the right hon. Gentleman has created a privileged order, consisting of two classes—those who are not worth 150*l.* a year, and those who swear they are not. Within the confines of fiscal immunity, a latitudinarian in morality, who thinks that "lovers' perjuries" are not the only ones at which "Jove laughs," may obtain admission by an oath. Besides, it should be recollected that men in circumstances decent, but straitened, are not disposed to go to public meetings, in order to make an exposure of their embarrassments. The miser affects to be poor, and the pauper to be rich—independence is often simulated; and destitution not unfrequently tries to hide her emaciated features in an embroidered, though it is generally a very thin and transparent, veil. I think that I could mention the names of men whose faces are pale with the midnight lamp, and who leave their beds before the break of a winter morning, who think it better and wiser to submit to privations, than to attend public assemblies convened for the repeal of this most unjust and oppressive impost—for it is the consummation of injustice—its iniquity is in its equality. What can be more inequitable—more repugnant to common justice, common feeling, and common sense—than to impose the same tax upon the income which is the product of a man's thought, and may be called the sweat of his mind, and upon income which is as stable as the State, if it comes from the funds, and if it comes from land, is as stable as the earth on which we tread? What can be more unjust than to impose the same tax upon a barrister who can scarce pay the expenses of his first circuit, and a Chief Baron and a Chief Justice—upon John Scott in a garret, and upon John Scott on the Woolsack—upon the Prime Minister of England, and the gentleman who reports a speech of the Prime Minister on the Income Tax in the Gallery of the House of Commons? The right hon. Gentleman was heard by men of excellent education, and with minds embellished with literary adornment—who are engaged in that occupation in which some of the first men in England have been employed—and who, with great labour, with great wear and tear of the mind and of the body, obtain a salary which brings them within the reach of the Income Tax; but which is by no means commensurate with their talents and their usefulness. If one of these gentlemen should lose his health, his condition is most calamitous; yet upon him, stretched on a bed of suffering, and compelled, perhaps, to "feel for wants more bitter than his own," you impose the same tax as on the master of Netherby, and the proprietor of Drayton Hall. This tax is not only inquisitorial, but most criminal; it holds out inducements to fraud—leads us into that into which we pray that we may not be led, and teaches men to handle with a desecrating familiarity the word of God. These are not the fantastic suggestions of imagination. If I denounce the Income Tax as unjust, as inquisitorial, and as immoral, it was denounced as unjust—it was denounced as inquisitorial — it was denounced as immoral, by the whole body of the merchants in 1805—by Mr. Baring, the prince of commerce—by Mr. Wilberforce, the religious, the moral, the high-minded, and the good—and though last in enumeration, chief almost in sagacity, by the late Sir Robert Peel; and I trust that I shall be forgiven if I venture to add, but not in any spirit of unkindness, that I fear the time may not be distant when we shall have occasion to exclaim,—"*Patris dictum sapiens temeritas filii condemnavit.*"

Mr. *Cobden* said, that there was a very good reason why there had been no petitions and no public meetings against the Income Tax. It was because the Income Tax had been mixed up with various commercial projects. There was, for instance, the Sugar Duty; and up to this time the people did not know what Ministers were doing with the Sugar Duty. The people, however, would soon find out what was their plan of a Sugar Duty. They would soon learn that it was as bad and bitter as the Income Tax. When the country understood that, their feelings would be very different from what they were at present. They did not understand it now, and they would not understand it this week or the next. At the end of the year the public would be able to calculate what was the cost of their monopoly sugar. He could say that a very great misapprehension existed as to the feeling about the Income Tax. There was a very quiet and a very honest indignation as to Schedule D. He was not one who thought that there was generally an evasion of the Income Tax. As far as the north of England was concerned, he believed that there was a great deal more paid than ought to be paid. He alluded particularly to Birmingham, and for the edification of the hon. Member for that town, he would read an extract of a letter he had received from it. In this letter the writer stated that he knew of four individuals who were made to pay the Income Tax who were all insolvent at the time. They went from time to time and endeavoured to get it off. The answer they always got was that it must be paid. The same writer stated that he believed there were thousands who had paid rather than expose their affairs, and that not more than one in five dared stand the test of an examination of his books, for fear of his credit being ruined. He ventured to say this, that if the Members of this and the other House had to go through the scrutiny to which traders were exposed, the Income Tax would not last a month. At the same time that he said this, he also said that if they modified the tax upon trades and professions to something like a fair proportion, it was not the middle classes who would object to bear their share of taxation; but then they in that House totally deceived themselves if they supposed the sense of the people of this country was with them in their present proposition, or that they would quietly submit to this imposition. Let them go into any house in the City, let a messenger go there with the authority of the right hon. Baronet, and call upon any wholesale dealer or banker to submit to scrutiny his last year's balance-sheet. Why the dealer would hardly let his wife know what it was. He would scarcely let his son know it. Then, if the messenger said to the trader, if he did not submit his books to inspection, he must pay a fine. Then the trader would reply, he would pay the fine cheerfully. They thus forced the trader to submit to a double penalty. They might depend upon it—and he called upon them to mark his words—that though there was now no great outcry against the Income Tax, still he could assure the noble Lord the Member for Sunderland, that he would find at the hustings, that for neither Whig nor Tory would the people submit to the Income Tax. But why did they not now hear an outcry about it? For this very reason, the tax was so obnoxious that it prevented people from consulting respecting it. The tradesman did not like to consult his neighbour about it; he did not like to expose his affairs; but, he could assure the House, they felt the oppression, nevertheless. In London, he believed, there had been few surcharges. They had heard what occurred in Birmingham. He knew that in the north of England surcharges were almost invariably the rule. The collectors too had the habit of bullying honest and respectable men. He knew the case of a surgeon who had been surcharged, and amongst other questions he was asked how much was his profit on rhubarb? He had also two gigs, for professional purposes, and he was asked if his wife did not sometimes ride in one of the gigs?—had he not also a saddle-horse, and did not his wife occasionally use a saddle-horse? Amongst other cases, was that of a hair-dresser [*Laughter*]. Hon. Gentlemen might laugh, but hair-dressers had influence; hair-dressers had votes. The hair-dresser called for an exemption for a room used for the purposes of business. This man was asked how many persons' hair he cut, what he was paid for each, that if it were a shilling, he must have 10*d.* profit from it. He was then asked if the females of his family did not sometimes use it as a sitting-room. These were the questions that were put to persons called upon to pay the Income Tax. Then if a man were surcharged, and he was going to appeal, an intimation was sent to him from the Commissioners, that he should state what was the trade or profession in which he was engaged; where it was carried on; who were his partners; to state the capital which was employed in each concern, with the distinct amount of the burdens to which each was subject; the amount of interest on his banker's account; the profits for the last three years. This was a bludgeon held up in the face of the trader. It was telling him not to come and appeal at all. In this way, men who were in a large business staid away, and did not appeal at all. He knew the case of a Gentleman, who was surcharged 5,000*l.* profit. He consulted a Member of that House, and finding he must bring all his books and papers, his friend advised him to pay the Income Tax on the 5,000*l.* That, he said, was not an extraordinary case. He really believed that in Lancashire they paid more than what they honestly ought to be called on to return on the Income Tax. This was not a matter to make a joke of. It was not for the right hon. Gentleman to make a mockery of it, and to say that the people would be so enamoured of it, that they would insist on retaining it. If hon. Gentlemen would mix with their constituents before the election came on, they would find how strong was the feeling against the Income Tax. The free traders did not think it necessary for the measures that were proposed; and, as far the right hon. Gentleman's measures went, he utterly repudiated them. As a free trader he repudiated them. The free traders did not think the Income Tax necessary to carry out the other measures. It might be necessary for the purposes of delusion—for the purposes which hon. Gentlemen opposite had to carry out. The free traders did not want it, though it might do for the work of monopoly. The right hon. Gentleman opposite professed to act sometimes on the opinions of Mr. Deacon Hume. The other night the right hon. Gentleman had grounded himself on the authority of Mr. Deacon Hume. He was surprised to find his hon. Friend (Mr. Hume) so far forget his own Committee as to praise the right hon. Gentleman's measures. Mr. Deacon Hume laid it down as a rule that the way to serve the country was to abolish these restrictions on trade—not restrictions on divi-divi, but their restrictions on corn. He was quoting Mr. Deacon Hume's authority, and it was to be observed that Mr. Deacon Hume did not mention direct taxation; but he said that they ought to remove the duties that protected these monopolies, and then there would be such an increase to their wealth, and such an expansion to their commerce, that the result would be a full and sufficient revenue; but that if these monopolies remain, then they must look forward to a fall in the revenue. Mr. M'Gregor said in his evidence, that if they wanted more revenue they could get it from sugar. Since Friday last, he had asked one well acquainted with the subject how much would be the revenue from sugar, if the duty proposed were put upon all sugars. He was told six millions sterling. He believed that, if they put a duty on Foreign and Colonial sugar of 23*s.* per cwt., they would get more than six millions, and the people would have the sugar as cheap as the Government now proposed to give it to them. But indirectly they would by such a plan gain more, by opening channels for their trade, the value of which it would be impossible to calculate. As a good deal had been said about the right hon. Gentleman's measures having a tendency to free trade, he said of them that, so far from their opening new markets to this country, they were shutting it out from the two greatest markets — North and South America. The right hon. Gentleman had imposed a duty upon the corn of the one, which was equal to a prohibition against it; and as to the other, he shut them out in the most unstatesmanlike manner from Brazil. How the Government had done that, hampered as they were with those who sat behind them, and how, at the same time, they set themselves up for having a character as free traders, passed his comprehension.

Lord *John Russell* wished to say a few words, to satisfy the House as to the vote he was about to give; and he felt himself especially called upon to do so, in consequence of the right hon. Gentleman's allusion to what had been said by him in the debate on the Income Tax. This tax might, he conceived, be properly imposed upon various occasions, and for various reasons; in the case, for instance, of its being required in the exigencies of war, and when the country was in great danger. He admitted that that would be a fair occasion for the imposition of the tax, and a fair reason why they should not make an attempt at any modification of it. It would be as reasonable then to decline doing that, as to take a farmer's horses when it was necessary to supply an army on its march through the country. It might then be said, "we cannot now in such an exigency as this, stop to see whose horses ought to be taken." In another case, and for other reasons, the Income Tax might be proposed, as it had been proposed by the right hon. Gentleman in 1842, when he said that there were other taxes pressing very much upon the industry of the country; but that it was hoped, by trying the Income Tax for three years, the industry of the country might be so far recovered, that the Revenue would equal at least that amount which it had reached in former years. But neither of these cases were now made out, when the Income Tax was again proposed. The Income Tax was now proposed as a means of enabling the right hon. Baronet to commute other taxes. If they once took that ground, then he said they were bound to see and consider whether the tax could not be made as just, equal, and as little vexatious, as it was possible to make it. They had no longer to plead a great public exigency. They could not say that they were imposing it for a short time, and that, therefore, it might be taken with all its inconveniences. They were now imposing it upon grounds on which it was almost impossible that they could take it off at the end of three years; for they might be sure that similar reasons to those on which it was now based, would again and again occur to justify reimposing it. He said then, after the statement of the hon. Gentleman the Member for Stockport—after the very plausible statement which had been made with regard to the inequality and theinquisitorial operation of this tax, it would be but fair for that House, before finally disposing of the question, to examine it in all its bearings and in all its conditions, and attempt to remove some of the objections to which it was now liable. He could not understand the objection of his hon. Friend the Member for Kendal (Mr. Warburton), who said, that when the income ceased, the inequality of the tax ceased also. No doubt when a man whose income arose from professional labour was disabled by disease from following his profession, and was thus deprived altogether of his income—no doubt, when the income ceased, the tax would no longer be levied. But then they would have already taxed the man on the income he had received, and taxed him, too, at the same rate that they taxed the man whose income was permanent, and who would receive the same amount, even if confined to a sick bed. It was impossible by any ingenuity, or by any sophistry, to show that there was equality in the mode of assessing the tax. His hon. Friend the Member for Montrose (Mr. Hume) had given what was certainly a strange reason why they should not now attempt to enter into the investigation; for he said, "I have asked the right hon. Baronet the First Lord of the Treasury if he would consent to modify the tax—I think modification necessary; but as the right hon. Baronet said no, what is the use of bothering any more about it?" Now, really he had not expected to find his hon. Friend (Mr. Hume) so servile a supporter of the right hon. Gentleman as it appeared he was. He had heard from the other side of the House that the right hon. Gentleman was the *Petruchio* of liberalism. If so, his hon. Friend the Member for Montrose must certainly be the *Katharine*; for he had shown to-night that he was completely tamed by the discipline administered to him by the right hon. Gentleman. He (Lord J. Russell) concurred with the hon. Gentleman the Member for Stockport as to what had fallen from him that evening on the subject of free trade; and admitting the correctness of the figures stated by him in the speech he had just made, as well as those stated by him on a previous evening, he could not conceive—admitting all the benefits the right hon. Gentleman calculated would result from the tax—agreeing with the right hon. Gentleman as to the importance of removing the duties from cotton, wool, and glass—he said, admitting all the benefits of the removal of those taxes, still they had the means, by placing the Sugar Duties on a good foundation, by which the people would be benefited, and the tax paid to the West India interest diminished—they had the means of so modifying the Income Tax as to make it press with less injustice and less severity on those whose precarious incomes enabled them to pay it with great difficulty. The hon. Gentleman the Member for Stockport had said, that 6,000,000*l.* might be obtained from sugar for the purposes of revenue, without increasing the price to the consumer beyond what it would be under the plan of the Government. Now they had given 750,000*l.* a year in perpetuity to the West India interest, by the 20,000,000*l.* grant; and if they gave them only one of those six millions for a time, they would still have more than 5,000,000*l.* as the amount of the present tax on sugar. They were therefore sacrificing 1,300,000*l.* quite uselessly as far as the benefit of the people was concerned, in order to give 2,000,000*l.* more to the West India planters. He said, then, that those who suffered from the Income Tax, those (and there were many of them) who suffered silently and to those who complained of the grievance they endured, that the reason why they were required to endure it was because monopoly and restriction were kept at their present height. If the right hon. Gentleman would propose measures with regard to those great articles—timber, sugar, and corn, more to relieve the people, and give a still greater impetus to our commerce and manufactures than he now proposed to give, he might at the same time make just and fair modification in the Income Tax. He did not think the House was at all insensible of the benefits of freeing the various departments of our manufactures which would be affected by the removal of the Customs' Duties from the 430 articles contained in the schedule of the right hon. Baronet; but he wondered, seeing how clear the principles and reasoning of the right hon. Gentleman were as to the benefit that would result to the manufactures and commerce of the country by the removal of the Customs' Duties from these small articles, that the same principles and the same reasoning did not lead the right hon. Gentleman to make just and fair proposals to Parliament with regard to those great articles which formed the chief part of the food of the people, and the substance of their dwellings. The hon. Gentleman the Member for Stockport had referred to the opinion of Mr. Deacon Hume, who said he thought there were two modes of proceeding in dealing with restrictions on commerce. One way was that mentioned by the hon. Gentleman; that was, for the Minister to come forward with a great plan, and place all import duties on a solid foundation, and establish free trade, by which the country would flourish, and the revenue increase. But another way Mr. Deacon Hume suggested, was to place all the Customs' Duties in three separate schedules, the last comprising the 430 articles the right hon. Gentleman dealt with in his Budget; the second, articles of a more important character; and, in the first, those great articles, corn, sugar, and timber, and all other great articles of consumption. And he said, one way would be to take those small articles first, and proceed gradually with the others, until at last you established free trade as to the greater and more important articles also. Now that might possibly be the course of the right hon. Gentleman (Sir Robert Peel), and perhaps, therefore, his hon. Friend (Mr. Hume) was in the right. But if that was the course to be pursued by the Government, it had better be declared, and they would then have none of the difficulty in debating the project that they had hitherto had. For his part, he was prepared, on the ground stated by the right hon. Gentleman more than once, to say that he was ready to vote for a Property and Income Tax for three years more, seeing the great benefit that would result in the removal of those duties which now oppressed the trade and industry of the country; but at the same time, while he voted for the tax on this ground, he thought the House should consider what modification should be properly made in its application, and even if those modifications should lead to a great reduction in the amount of the duty, if it should lessen the total revenue arising from this source by one million out of the five, he was convinced they would find ample compensation by adopting those principles of which the right hon. Gentleman was the advocate, and placing the whole trade of the country on a sound basis.

Mr. *C. Villiers* would shortly state the grounds which would induce him to give his vote in favour of the Motion of his hon. and learned Friend the Member for Liskeard—that ground being one which had not been much referred to in the course of the present debate—certainly not touched on by the right hon. Baronet (Sir R. Peel)—and not contemplated, he believed, by his hon. Friend the Member for London—viz., that this Income Tax was likely to remain and be permanent. He (Mr. C. Villiers) confidently expected that the tax would be permanent, and for that reason, and chiefly for that reason, he thought the House ought to bind themselves, as his hon. Friend the Member for Liskeard proposed, to see that it should be just and equal in its operation, and at the same time as little odious to the people as possible. He did not object to the tax because it was a direct tax; on the contrary, he thought one of its chief recommendations was, that it was to be imposed for other taxes that were indirect. He preferred direct to indirect taxation; for so far he agreed with his hon. Friend the Member for Kendal, that direct taxation, by taking the money directly from the pockets of the people made them more jealous of taxation, while it interfered less with the commerce, industry, and enterprise of the country. He, then, did not object to the Income Tax, because it was a direct tax, but he agreed with what he believed to be the opinion out of doors. The people of this country were not opposed to the imposition of necessary taxes; they were not averse to bearing their fair share of the national burdens, nor were they anxious to risk the national credit; but what they desired to be satisfied of was, that the taxes imposed upon them were necessary and just; and they were disposed to be satisfied with the continuance of the Property Tax, because they believed it was a tax imposed as a substitute for others which affected commerce and manufactures, and fettered the industry of the country. The people, however, required to know that the surplus obtained from this tax was properly applied, and that they derived all the advantage possible from it. That was not, as he thought, now the case. The recent discussion on the Sugar Duties showed that it was not, and that the people were submitting to an inconvenient and odious tax, while they had to share the advantage with others whom they did not know, and who had no claim to it. If the surplus were properly applied in removing other duties that bore upon commerce and manufactures, there would no longer be any objection to the Income Tax. The decline of the Revenue during the latter years of the official existence of the late Government, was no doubt owing to the bad harvests and the Corn Laws. That, he believed, was a settled conviction on the public mind; and no greater imposition had ever been attempted than when it was said that the deficiency arose from the policy of the late Ministry, and that the present Government were entitled to the credit of having by their acts restored the Revenue to a healthy state. This could not too frequently be impressed upon the attention of hon. Members opposite—they must be reminded that they were the cause of this additional taxation. This Income Tax, it should be remembered, had been imposed in the first instance, in addition to all others. Those who supported the Corn Laws, as they were responsible for the imposition, so they were responsible for the continuance of this tax. This would be proved in 1848, by which time it was probable we should have a recurrence of bad harvests, and then they would have to answer to the country for continuing this Income Tax. His hon. Friend (Mr. Cobden) had referred to the evidence of Mr. Deacon Hume, who said that the best way to increase the Revenue was to increase the power of consumption. He would trouble the House with a few figures, to show what was really the cause of their difficulties in bad harvest, and of the improvement in the Revenue when the people's power of consumption was restored by low prices. The net produce of the Customs and Excise duties, which formed 75 per cent. of the whole Revenue, was, in 1836, 36,392,472*l.*; in 1840, it was 35,536,469*l.*; being a reduction of more than a million from 1836 to 1840, though the population during that same period had increased from 26,158,524 to 27,599,968, a difference of 1,400,000; and an increase of 5 per cent. had been imposed on all those duties. Now, what was the difference of the amount paid for food during those several years? Cost of wheat, calculating the consumption at 16,000,000 of quarters annually, at the average price of each year, was—

The cheap years.		The dear years.	
	£		£
1834 ..	36,933,333	1837 ..	44,666,666
1835 ..	31,400,000	1838 ..	51,666,666
1836 ..	31,800,000	1839 ..	56,533,333
	£107,133,333		£152,266,465

Here was nearly 50,000,000*l.* more paid in the three years of scarcity for the chief necessary of life than in the three preceeding years, when the harvests were good and prices moderate. Then had the people not a right to ask what was the reason that they were taxed first on the necessaries of life, and then when the effect of this tax upon the Revenue was seen, that they were to be further taxed to make up the deficiency so occasioned? And certainly after the speech of the right hon. Baronet, they would be right in asking what he meant by persevering in those unjust laws? He could understand if the hon. Members for Somerset and Dorsetshire were at the head of affairs, looking at their speeches at the Agricultural Protection Society, that they would persevere in the system; but when he heard such a speech as that of the right hon. Baronet, almost like Mr. Cobden's own free-trade speeches — what excuse the ight hon. Baronet could have for not dealing with those other more important articles, which in his present scheme he did not touch, he was at a loss to conceive. He could scarcely believe his ears when the right hon. Gentleman talked of the effect of the repeal of the wool duty, and he really thought the right hon. Baronet would have gone on and said, that we might expect the same results from the abolition of the duty on corn. The same results would follow from the same course in regard to corn as in regard to wool, though to a much greater extent. Yet when he brought forward his Motion to repeal the Corn Duties this year, which he should do on the earliest opportunity, he should be met by the right hon. Gentleman with the statement that there were special reasons, or something or other, which would prevent his adopting the same principles in regard to corn which he had so extolled in reference to wool. He hoped the people would read the speech of the right hon. Baronet, which was as good an argument in favour of free trade as he had ever heard. Seeing no possibility of getting rid of the Corn Laws at present, and being quite aware that the Income Tax must be perpetual as long as those laws existed, he thought it was their duty to make it as little odious and as just as possible in its application, therefore he should vote for the Amendment.

Mr. *Muntz* said, the hon. Gentleman the Member for Stockport had referred to him to confirm a letter he had received from Birmingham, complaining of the operation of the Income Tax. He could not confirm that letter, as he only knew that the writer of it lived at Birmingham; but he was, nevertheless, in the condition fully to corroborate all that had been said by the hon. Member as to the proceedings in respect to that tax, and he might, at the same time, take occasion to inform his (Mr. Muntz's) hon. Colleague, that at a future time he would not find the Income Tax so popular with the people of Birmingham as he seemed to suppose it was. Had he left the House when half of the speech of the right hon. Baronet (Sir R. Peel) was spoken, he should have gone away with the impression that the right hon. Baronet intended to vote for the hon. Member for Liskeard's Motion, for he gave the House what he considered the most convincing proof that the tax was to last—if not to eternity, certainly for a very long time; for the right hon. Baronet said if that tax were not continued, they must raise three millions of taxes in other ways. If that was not a convincing proof that the tax was intended to be permanent, he did not know what would convince. When the right hon. Gentleman first introduced the subject this year, he said he hoped at the end of three years they would be able to do without the tax—that the elasticity of the resources of the country was such that he had no doubt that the Revenue would recover itself within that time, and that we might then dispense with the further continuance of the Income Tax. Now, he confessed that whenever he heard a Prime Minister or a Chancellor of the Exchequer talk of the elasticity of the resources of the country, he was in a fright. From the time of Prosperity Robinson down to the present moment, that had always been the word of every Chancellor of the Exchequer when there was behind that which it was not convenient for him to explain. The right hon. Gentleman the late Chancellor of the Exchequer, when lamenting the unfortunate position of the Revenue during the latter years of the late Government, had hopes in the elasticity of the country; and the present Chancellor of the Exchequer relied upon the same thing; but until the right hon. Gentleman (Sir R. Peel) imposed the Income Tax and altered the Corn Laws and the Import Duties, there was no elasticity. Every effect had a cause—and the right hon. Baronet had been the cause of the present state of things. It was true a series of good harvests had done something; but with those good harvests, if it had not been for the right hon. Baronet, we should not only have been in very great difficulties, but the Revenue would have been in a state of very great pressure. The question was not whether the right hon. Baronet had produced the present state of things, but whether they were to be allowed to continue? He doubted whether he would be able to persuade a great interest to give up more than they had done. The House would here, perhaps, allow him to allude to a misrepresentation, a wilful misrepresentation, of what he had said on a former occasion on this subject, which had appeared in an evening paper. He was there represented to have said that the right hon. Baronet had improved the condition of one class at the expense of another—that he had taken from the rich to give to the poor. Now, he had never said anything of the kind. What he said was, that the right hon. Baronet had taken from the agricultural to give to the manufacturing classes. He was as well aware as the right hon. Baronet that to take from the rich in order to give to the poor, was the soundest way of proceeding; but what he had said was, that it was the agriculturists from which that which was given to another class was taken; and when he said agriculturists, he did not mean landowners; but he alluded to the tenant-farmers, the labourers, and the working men in the agricultural districts. He confessed that he did not see how it was possible to continue their present policy and benefit the Revenue, except by improving the condition of one class at the expense of another. He would not detain the House long, but it was necessary for him to say something. He meant necessary in consequence of the remark of the hon. Member for Stockport. He did not at all intend to imply that it was necessary for him (Mr. Muntz) to say something to the House of Commons. But since they thought that the debate was too long, the first consideration was who in reality was the cause of the debate? Why, the cause was the extraordinary ideas, called-free trade ideas, with which some hon. Gentlemen were so deeply inoculated —so deeply, indeed, that were the right hon. Baronet opposite to pronounce the word "free," even if it were to tell them that they were free to go and hang themselves, they would unanimously pronounce it a step in the right direction. When the right hon. Gentleman at the head of the Government made his Financial Statement, hon. Members on the Opposition side of the House, enraptured with the free-trade aspect of the concern—without one moment's consideration — without one moment's thought of how the changes proposed would operate upon the condition of the people, all at once rose to express their approval of the plan, although when they came to consider the real merits of the proposal they were as averse to it as he (Mr. Muntz) was. This showed how improper it was for hon. Members to make up their minds instantaneously. Had they taken a little time to consider, there would have been a good, sound, solid debate, and every hon. Gentleman, without having pledged himself by a hasty declaration, would have been enabled deliberately to express his opinion upon this all-important subject. He himself was in favour of a Property Tax. He did not see why there could not be a tax on property imposed, and an end put to that upon income. He saw no impossibility in obliging a man to state the amount of his capital; indeed, he believed the process would not be so inquisitorial or injurious as the present system. He believed that a fair and equitable Property Tax would be one of the greatest blessings which could be bestowed upon the country. As respected the Income Tax he had always been, and always should be, ready to vote against it.

The House divided on the Question that the words proposed to be left out stand part of the Question:—Ayes 240; Noes 112: Majority 128.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adderley, C. B.
Aglionby, H. A.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Arundel and Surrey, Earl of
Ashley, Lord
Bagot, hon. W.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baring, T.
Baring, rt. hon. W. B.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Benbow, J.
Bentinck, Lord G.
Beresford, Major
Bernal, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadwood, H.
Browne, hon. W.
Bruce, Lord E.
Bruce, C L. C.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Campbell, J. H.
Cardwell, E.
Carew, W. H. P.
Carnegie, hon. Capt.
Chelsea, Visct.
Chetwode, Sir J.
Childers, J. W.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Clifton, J. T.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, Sir W.
Collett, J.
Colquhoun, J. C.
Compton, H. C.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Deedes, W.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, J. D. S.
Dugdale, W. S.
Duncombe, hon. A.
Du Pre, C. G.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Lord F.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Forster, M.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, rt. hon. S.
Hinde, J. H.
Hogg, J. W.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Hughes, W. B.
Hume, J.
Hussey, A.
Hussey, T.
Ingestre, Visct.
Irton, S.
James, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Kemble, H.
Knight, F. W.
Knightley, Sir C.
Lawson, A.
Legh, G. C.
Lemon, Sir C.
Lennox, Lord A.
Liddell, hon H. T.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Macnamara, Major
M'Neill, D.
Mahon, Visct.
Manners, Lord C
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Maunsell, T. P.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Morgan, O.
Morgan, C.
Mundy, E. M.
Neeld, J.
Neville, R.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Owen, Sir J.
Pakington, J. S.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Philips, M.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Powell, Col.
Praed, W. T.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Smith, A.
Smith, rt. hon. T. B. C.
Smyth, Sir H.
Smythe, hon. G.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Somes, J.
Sotheron, T. H. S.
Spooner, R.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Tower, C.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vernon, G. H.
Villiers, Visct.
Wall, C. B.
Walsh, Sir J. B.
Wellesley, Lord C.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H. B.

List of the Noes.

Aldam, W.
Anson, hon. Col.
Bannerman, A.
Baring, rt. hn. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. H. F.
Blackstone, W. S.
Blake, M. J.
Blewitt, R. J.
Bowring, Dr.
Bright, J.
Brocklehurst, J.

Brotherton, J.
Buller, E.
Busfeild, W.
Byng, rt. hn. G. S.
Clay, Sir W.
Cobden, R.
Colborne, hn. W.N.R.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Dawson, hon. T. V.
Denison, W. J.
Dennistoun, J.
D'Eyncourt,rt.hn.C.T.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncannon, Visct.
Dundas, Adm.
Dundas, F.
Easthope, Sir J.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellis, W.
Evans, W.
Ewart, W.
Ferguson, Col.
Fitzroy, Lord C.
Fox, C. R.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Hallyburton, Lord J.F.
Hastie, A.
Heneage, E.
Hill, Lord M.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Howard, hn. C. W. G
Howard, hon. H.
Howard, Sir R.
Humphery, Ald.
Hutt, W.
Inglis, Sir R. H.
Langston, J. H.
Leader, J. T.
McTaggart, Sir J.
Mangles, R. D.
Martin, J.
Matheson, J.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Muntz, G. F.
Murray, A.
Napier, Sir C.
Osborne, R.
Paget, Col.
Paget, Lord A.
Parker, J.
Pattison, J.
Pechell, Capt.
Plumridge, Capt.
Rawdon, Col.
Ricardo, J. L.
Rice, E. R.
Roche, E. B.
Russell, Lord J.
Russell, Lord E.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, P. M.
Stuart, Lord J.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Towneley, J.
Trelawny, J. S.
Tufnell, H.
Turner, E.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walker, R.
Wawn, J. T.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wrightson, W. B.
Yorke, H. R.

TELLERS.

Buller, C.
Hawes, B.

Amendments read a second time and agreed to.

Mr. *W. Miles*, according to notice, moved to add the following clause:—

"And be it Enacted, That from, and after the passing of this Act, it shall be lawful for all persons assessed under Schedule B, should they feel themselves aggrieved by such assessment, to appeal to the Commissioners for General Purposes, ten days' notice thereof in writing being given to the Assessor or Surveyor of the district in which the Property upon which he is assessed is situate; and the said Commissioners are hereby empowered to hear and determine such appeal, under the like rules and regulations as are enacted for hearing and determining the appeals under Schedule D, in the aforesaid recited Act of the 5th and 6th years of Her present Majesty: Provided that no person so appealing shall be charged by the aforesaid Commissioners more than the sum of threepence-halfpenny in England, and twopence-halfpenny in Scotland, for every twenty shillings of the property he occupies."

The hon. Gentleman commenced by alluding to the present depressed state of the agricultural interest, to the absence of confidence prevailing among them, and to the depreciation in the price of agricultural produce. The hon. Member for Liskeard had urged that the right hon. Gentleman at the head of the Government had deceived the country by holding out confident expectations that the public would not suffer from the Income Tax, as their disbursements to satisfy that impost would be amply made up by the cheapness of the great necessaries of life. The hon. Member for Liskeard denied that the effect of the right hon. Gentleman's measures had justified the anticipations he then held out. He (Mr. Miles), however, believed that the right hon. Gentleman had been in his prognostications a most true prophet. Agricultural distress existed now to a great extent, and he would wish for the same modification of the tax, as respected farmers, which, in a similar state of things, Lord Bexley wished to effect in 1816. The object of the present Motion, however, was to place the tenant farmer in the same situation as persons under the Schedule D, and he hoped and trusted that this small boon would be extended to them. Whether the Act was intended to last for three or five years, they were bound to consider the merits of every clause of it, and to make each enactment as little grievous as possible to their constituents. This they were bound to do, whether the tax was proposed to be continued only for a short time or for a perpetuity. He believed that he was simply asking for that which the justice of the case demanded, and that to which he thought the farmers had a right at the hands of the Government. He would beg the House to remember the statements of the agricultural deputation which had waited upon the right hon. Gentleman at the head of the Government. One of the gentlemen who formed that deputation, one of the best farmers in Berkshire, cultivating six or seven hundred acres, stated that he had laid out 1,000*l.* of capital upon every one hundred of these acres. Until within the last two years he had been doing well. This gentleman had laid up money in the funds, which he had hoped to have been enabled to leave to his children; but last year he had been obliged to draw out 500*l.* for farming purposes, and this year he would have to draw out 600*l.* more. Considering the present state of the agricultural interest, and that the farmers were not represented by members of their own class in that House, they expected those who were sent there to represent them to speak out and claim that justice should be done them. It was most unjust that an arbitrary rule should be applied to the farmers, and that they should be assessed at half their rent for each of the three years during which the Property Tax was to be continued, without taking into consideration that in the first year they may have no profits whatever, and they might find it necessary to expend large sums on their land. The hon. Gentleman concluded by proposing his Amendment.

Clause brought up and read a first time.

On the Question that it be read a second time,

The *Chancellor of the Exchequer* said, that he should feel it his duty very briefly to state the reasons which induced him to consider that it would not be consistent with justice on his part to accede to the proposal of his hon. Friend. That proposal was, that farm-tenants should be permitted, in years in which their profits might not have amounted to the proportion of rent to which they were assessed, to make an appeal to the Commissioners, and to obtain an abatement of the tax. Now it appeared to him that that arrangement would be essentially unjust. The House would bear in mind the circumstances under which the assessment of tenants to the Income Tax had been fixed. It had been stated when that tax had been originally imposed, and it had been generally acknowledged, that those persons who were engaged in the farming of land were generally a class who would find it extremely difficult to keep such books of accounts as would be necessary, if their incomes were to be tested in the same manner as the incomes of persons engaged in trade; and it had, therefore, been thought advisable to fix a specific amount of rent as the basis of the assessment in their case. In the first Property Tax that amount had been taken at three-fourths of the rent. But when the Property Tax had been introduced in the year 1842 the assessment was reduced to one-half of the rent. His hon. Friend wished that in years in which a tenant had made no profit he should be relieved from the payment of the Income Tax; but his hon. Friend did not propose that in cases in which a tenant had made a larger profit than that on which he was assessed he should pay an additional amount under that tax. Now he should say that the one-sided appeal proposed by his hon. Friend would be unjust in itself, and at variance with the state of the law as applied to other classes. The abandonment of profits by a farmer in one year might lead to the doubling of his profits in the following year; for he might find that by laying out a large capital in draining and in manure he would afterwards be amply repaid for the outlay. The result, therefore, of the proposal of his hon. Friend would be that in the first year the tenant would be exempted from the tax, and that in the second year he would not repay the public for the advantage which he had previously gained. Under these circumstances he felt it his duty to oppose the Clause.

The House divided:—Ayes 92; Noes 196: Majority 104.

List of the AYES.

Allix, J. P.
Archdall, Capt. M.
Bailey, J. jun.
Bankes, G.
Barrington, Visct.
Baskerville, T. B. M.
Beresford, Major
Berkeley, hon. C.
Blackstone, W. S.
Blewitt, R. J.
Borthwick, P.
Brocklehurst, J.
Buck, L. W.
Burrell, Sir C. M.
Byng, rt. hon. G. S.
Chetwode, Sir J.
Codrington, Sir W.
Colborne, H. W. N. R.
Cowper, hon. W. F.
Curteis, H. B.
Darby, G.
Dawnay, hon. W. H.
Denison, W. J.
Douglas, J. D. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncannon, Visct.
Dundas, Adm.
Dundas, F.
Du Pre, C. G.
Eaton, R. J.
Farnham, E. B.
Fellowes, E.
Fitzmaurice, hon. W.
Fuller, A. E.
Goring, C.
Granby, Marq. of
Halford, Sir H.
Hallyburton, Lord J. F.
Harris, hon. Capt.
Heneage, E.
Henley, J. W.
Henniker, Lord
Hill, Lord M.
Hinde, J. H.
Houldsworth, T.
Howard, hon. H.
Hussey, A.
Knight, F. W.
Knightley, Sir C.
Long, W.
Lygon, hon. Gen.
Manners, Lord C. S.

Manners, Lord J.
Maunsell, T. P.
Miles, P. W. S.
Mitcalfe, H.
Morris, D.
Muntz, G. F.
Murray, A.
Newry, Visct.
Norreys, Lord
O'Brien, A. S.
O'Connell, M. J.
Osborne, R.
Ossulston, Lord
Packe, C. W.
Paget, Col.
Paget, Lord A.
Palmer, R.
Pechell, Capt.
Plumptre, J. P.
Rendlesham, Lord
Rolleston, Col.
Round, C. G.
Round, J.
Rushbrook, Col.
Russell, Lord E.
Shaw, rt. hn. F.
Sibthorp, Col.
Smythe, Sir H.
Sotheron, T. H. S.
Spooner, R.
Talbot, C. R. M.
Tower, C.
Turner, E.
Turnor, C.
Tyrell, Sir J. T.
Wakley, T.
Wawn, J. T.
Wodehouse, E.

TELLERS.
Miles, W.
Trollope, Sir J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adderley, C. B.
Aglionby, H. A.
Alford, Visct.
Antrobus, E.
Arkwright, G.
Arundel and Surrey, Earl of
Bagot, hon. W.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baring, rt. hn. F. T.
Baring, T.
Baring, rt. hon. W. B.
Barnard, E. G.
Barneby, J.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Berkeley, hon. H. F.
Blake, M. J.
Bodkin, W. H.
Boldero, H. G.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Bright, J.
Brisco, M.
Broadwood, H.
Brotherton, J.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Buller, C.
Buller, E.
Buller, Sir J. Y.
Busfeild, W.
Campbell, J. H.
Cardwell, E.
Carew, W. H. P.
Carnegie, hon. Capt.
Chelsea, Visct.
Childers, J. W.
Cholmondeley, hon. H.
Clayton, R. R.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Cockburn, rt. hn. Sir G.
Collett, J.
Compton, H. C.
Corry, rt. hn. H.
Courtenay, Lord
Craig, W. G.
Cripps, W.
Damer, hon. Col.
Deedes, W.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douro, Marq. of
Dugdale, W. S.
Duncombe, hon. A.
Eastnor, Visct.
Egerton, W. T.
Egerton, Lord F.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Evans, W.
Filmer, Sir E.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forster, M.
Fox, C. R.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gibson, T. M.
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Harcourt, G. G.
Hayes, Sir E.
Heathcote, Sir W.
Hepburn, Sir T. B.
Herbert, rt. hn. S.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Holmes, hon. W. A.
Hope, hon. C.
Hope, G. W.
Howard, Sir R.
Howick, Visct.
Hughes, W. B.
Hume, J.
Hutt, W.
Inglis, Sir R. H.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Kemble, H.
Langston, J. H.
Leader, J. T.
Legh, G. C.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lopes, Sir R.
Lowther, J. H.
Lowther, hon. C.
Mackenzie, W. F.
Maclean, D.
McGeachy, F. A.
McNeill, D.
Marsham, Visct.
Martin, J.
Martin, C. W.
Meynell, Capt.
Mitchell, T. A.
Morgan, O.
Morgan, C.
Mundy, E. M.
Napier, Sir C.
Neville, R.
Newport, Visct.
Nicholl, rt. hn. J.
O'Conor Don
Pakington, J. S.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Plumridge, Capt.
Polhill, F.
Pringle, A.
Pusey, P.
Rawdon, Col.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Russell, Lord J.
Russell, C.
Ryder, hon. G. D.
Sanderson, R.
Seymour, Sir H. B.
Smith, A.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Smollett, A.
Somerset, Lord G.
Somes, J.
Stanton, W. H.
Stuart, Lord J.
Stuart, H.
Strutt, E.
Sturt, H. C.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Thesiger, Sir F.
Thornely, T.
Towneley, J.
Trelawny, J. S.
Trevor, hon. G. R.
Trotter, J.
Tuffnell, H.
Vane, Lord H.
Vernon, G. H.
Villiers, Visct.
Wall, C. B.
Warburton, H.
Wellesley, Lord C.
Williams, W.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Yorke, hon. E. T.

TELLERS.
Young, J.
Baring, H.

Bill to be read a third time.

GAME LAWS.] Mr. *Bright* moved to nominate the Select Committee on the Game Laws; Mr. Bright, Mr. Burroughes, Lord George Bentinck, Mr. Milner Gibson, Mr. Bouverie, Mr. Cripps, Viscount Clive, Mr. William Mackenzie, Mr. Villiers, Mr. Bankes, Mr. Etwall, Mr. Grantley Berkeley, Mr. Manners Sutton, Mr. George Cavendish, and Mr. Trelawny.

Mr. *Craven Berkeley* said, he thought he had some reason to complain of the right hon. Gentleman the Home Secretary with regard to the constitution of this Committee. It would be in the recollection of the right hon. Gentleman that during the discussion which ensued on the Motion of the hon. Gentleman the Member for Durham, for the appointment of the Committee, that he told the right hon. Secretary that, in common with a great number of Members on that (the Opposition) side of the House, he was perfectly willing to accede to the appointment of the Committee, provided it was constituted in a fair and impartial manner. The hon. Gentleman the Member for Durham assured him that the Committee should be so constituted. Under these circumstances, it was with considerable surprise that he (Mr. C. Berkeley) had seen on the Votes of that House a Committee named by the hon. Member for Durham, and assented to by the right hon. Gentleman, because he must say that a more unfair or partial Committee he could not conceive to be appointed by that House. It was perfectly true, that since he had first seen the list of the Committee, the names of three Gentlemen had been taken from the Committee, and the names of three others had been substituted. Of the opinions and sentiments of two of those Gentlemen who had been substituted he knew nothing; but he happened to know something of the opinions of the noble Lord the Member for Lynn (Lord George Bentinck), and he must say that he did not think he was a very proper and impartial person to serve on the Committee. He knew that the noble Lord had never acted as a county magistrate—he knew that he had never attended quarter or petty sessions; and the noble Lord knew little, and he believed, cared less, how the affairs of the country were conducted. It was perfectly true that the noble Lord had used his best efforts to put the laws of racing and of the turf upon a just and equitable footing. But the very fact of the noble Lord being fond of racing and of the turf was decisive evidence, as well as the cause, of the implacable hatred he entertained against that innocent little animal, of whose physiological character the hon. Member for Durham gave so graphic a description the other night. And if the noble Lord, as he (Mr. Craven Berkeley) believed he did, carried an equal dislike of game to every other description of it as he bore against the rabbit, he (Mr. Craven Berkeley) must say that he considered the noble Lord quite unfit and a most partial Member to be on this Committee. All he contended for was, that they should have a fair and impartial Committee, and one the Report of which should be looked up to not only by the House, but by the country. If they were to appoint a Committee, let it be fairly constituted, and not be made up of Gentlemen belonging to the Anti-Corn-Law League on the one hand, or of game preservers on the other, who could not make a satisfactory report to the country. The only way to appoint a satisfactory Committee on the subject was to appoint some Members who were known to be game preservers; others, who, like the hon. Member for Durham, were known to be opposed to all game; and then let some Gentlemen who were known for their impartiality, talent, and ability, constitute the remainder. The House could not be blind to the fact that there were six influential and active Anti-Corn-Law Members in this Committee. The whole tenor of the hon. Gentleman's speech, when moving for the Committee, was for setting tenant-farmers against the landlords. Therefore the House was called upon to be more particular and attentive in the appointing of this Committee than it would be under other circumstances. At the present moment he knew he was not in a situation to move that the noble Lord the Member for Tiverton should be nominated as a member of the Committee; but he would move that the hon. Member for Kilmarnock (Mr. Bouverie) should be omitted, and the hon. Member for Dublin (Mr. Grogan) be substituted in his place. He did this because he observed that not any Member for Ireland was on the Committee, and because that hon. Gentleman was the Representative of the capital of Ireland—he was no game preserver, his talent and ability were undoubted, and he was a most impartial and fair judge of the subject.

Sir *J. Graham* was sorry that the hon. Gentleman should conceive he had any reason to complain of his (Sir J. Graham's) conduct with regard to the formation of this Committee. He had stated both in public and private, that he thought it of great importance that this Committee should be impartially constituted, and he never lost sight of the assurance he so made to the House. He was bound to say that the hon. Member for Durham had met him on this occasion in a similar spirit. It was only common justice to that hon. Member to say, that he (Sir James Graham) had never been concerned in the nomination of a Committee in private, where he had been met by any Gentleman in a manner more unexceptionable than in the conduct of the hon. Member for Durham. He would shortly detail to the House what occurred on the subject. The hon. Gentleman moved for the Committee; the House assented to its nomination. It was not unusual on these occasions that the hon. Gentleman moving for a Committee should insist that the majority of the Committee should either sit on the same side of the House with himself, or at least that they should concur with him in his opinion with reference to the subject to be investigated. The course he (Sir James Graham) pursued was this; he stated to the hon. Member for Durham, that considering the consequences of this inquiry, he thought it was of importance that some person connected with the Government should be nominated on the Committee, more especially as his (Sir J. Graham's) avocations would not permit him to attend to it. He, therefore, expressed his wish that his hon. Friend the Under Secretary of State for the Home Department should be placed on the Committee, with a view of his taking an active part in the investigation. To that wish the hon. Member for Durham assented. He (Sir J. Graham) then requested, in addition to his hon. Friend (the whole number of the Committee being fifteen) that six Gentleman sitting on the Ministerial side of the House should also serve with his hon. Friend on the Committee. He (Sir James Graham) suggested six names; among those nominated were Lord Marsham, Member for the county of Kent, Mr. Hope Johnstone, the Member for Dumfries-shire, and Mr. Bramston, the Member for Essex. The hon. Gentleman the Member for Durham made no objection to these six Members; and in addition to these so sitting on the Ministerial side of the House, he (Sir James Graham) thought it was expedient that Mr. Grantley Berkeley, being most strongly opposed to the views of the hon. Member (Mr. Bright), should, although sitting on the same side of the House with that hon. Gentleman, serve on the Committee. He, therefore expressed his earnest wish that Mr. Grantley Berkeley should be included. There were, therefore, seven Gentleman sitting on the Ministerial side of the House, and Mr. Grantley Berkeley, also suggested by him (Sir James Graham). It happened, however, that Lord Marsham and Mr. Branston were unable to attend in consequence of illness, and Mr. Hope Johnstone was obliged to go to Scotland, and could not therefore serve. In consequence of this he (Sir James Graham) suggested three other names—those of Lord George Bentinck, Mr. Burroughs, and Mr. M'Kenzie. To these the hon. Member for Durham had no objection, and the list was accordingly formed, by agreement as it now stood. It would not become him (Sir J. Graham), in the presence of his noble Friend the Member for Lynn (Lord George Bentinck), to discuss his merits; but if it were true that his noble Friend was perfectly indifferent about these concerns, he (Sir J. Graham) should conceive that a more impartial person could hardly be selected. With regard to the opinion which had been expressed by the hon. Gentleman (Mr. Craven Berkeley) regarding his noble Friend, he (Sir J. Graham must say that he entertained a very different opinion indeed of his noble Friend's qualifications, and he (Sir J. Graham) was satisfied that whatever view his noble Friend might take resulting from the evidence that might come before him, it would be a most impartial one, and one formed after the most strenuous effort to arrive at a sound conclusion. But it would be quite impossible for any Government to settle such matters of form with Gentlemen on the opposite side of the House, if the understanding once come to was to be set aside. He was bound to say that the hon. Gentleman the Member for Durham had done everything in the spirit of candour and fairness; and he was bound to add, that he believed this Committee was a perfectly fair and impartial Committee, and that it would be able to conduct its inquiries most satisfactorily, and make a Report that would be entitled to public confidence. If the hon. Member for Durham, therefore, should think it his duty to resist the Motion now made by the hon. Member for Cheltenham (Mr, Craven Berkeley), he (Sir J. Graham) should hold himself in honour bound to support him in it.

Mr. *Bright* said, the hon. Gentleman (Mr. Craven Berkeley) had made two statements which he was desirous of noticing; first, he said that there were six Members of the Anti-Corn Law League on the Committee. Now, he (Mr. Bright) had an accurate knowledge of those Gentlemen who were connected with that Association; and he found only four on the Committee who had ever been known in any way to have any thing to do with that Association; and there were only three who were supposed to be intimately connected with it. The hon. Gentleman, in the next place, had objected to the nomination of the noble Lord opposite (Lord George Bentinck), and his objection was founded on certain grounds, the validity of which his (Mr. Bright's) very little knowledge of the noble Lord did not qualify him to judge of; but it was curious enough that he found a Notice entered on the Books, dated March 3, in these words—

> "On nominating the Committee upon the Game Laws, to move to leave out Mr. Bouverie, Mr. Trelawny, Viscount Masham, and Mr. George Cavendish, and insert Viscount Palmerston, Mr. Gregory, Lord George Bentinck, and Captain Rous."

It was certainly very strange that the hon. Gentleman should have made so great a change in his opinion of the noble Lord between the 3rd of March and the 10th. In moving for this Committee he (Mr. Bright) had no wish whatever to prejudice the question, or to have a Committee that should come to any conclusion he might have formed. His object was to have a searching inquiry; and he did not feel at all uneasy at any evidence that might be brought before it. Many Members on the Committee were well-known sportsmen, and had been so many years. He knew many of them who were now interested in the preservation of game, men connected with landed property to a large extent. He did not think it was a Committee that gave a preponderance to his supposed views; therefore he must refuse to assent to the proposition of the hon. Member for Cheltenham. As the right hon. Baronet had stated, there had been no difference of opinion whatever between them as to the appointment of the Committee; and he felt bound in justice to say, that in all the Government had done they had acted in a proper spirit, and appeared to leave nothing wanting on their part to have the inquiry conducted in a proper and efficient manner.

Captain *Berkeley* begged to state that he thought the hon. Member for Durham had a right to urge the adoption of this Motion. For his part, he felt bound to admit that he was perfectly content with the Committee as proposed, and he was sure they would conduct the investigation with propriety and effect.

Mr. *Craven Berkeley* said, he objected to the appointment of the noble Lord on the Committee, because he considered him favourable to the views of the hon. Member for Durham. He felt bound to press the Question to a division.

The House divided on the Question that Mr. Bouverie be one of the Members of the Committee:—Ayes 100; Noes 13: Majority 87.

List of the AYES.

Adderley, C. B.
Arundel and Surrey, Earl of
Baring, H. B.
Baring, T.
Baring, rt. hn. W. B.
Baskerville, T. B. M.
Bentinck, Lord G.
Berkeley, hon. H. F.
Blake, M. J.
Bodkin, W. H.
Boldero, H. G.
Bowles, Admiral
Bowring, Dr.
Brotherton, J.
Bruce, Lord E.
Buckley, E.
Campbell, Sir H.
Cardwell, E.
Childers, J. W.
Cholmondeley, hn. H.
Clerk, rt. hon. Sir G.
Corry, rt. hon. H.
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, J. D. S.
Douro, Marquis of
Duncan, G.
Escott, B.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Flower, Sir J.
Forster, M.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gibson, T. M.
Gladstone, rt. hn. W. E.
Gouburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquis of
Greene, T.
Hamilton, W. J.
Hawes, B.
Henley, J. W.
Herbert, rt. hon. S.
Hinde, J. H.
Hindley, C.
Hughes, W. B.
Hussey, A.
Hutt, W.
Irton, S.
Jermyn, Earl
Jocelyn, Visct.
Langston, J. H.
Leader, J. T.
Legh, G. C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lowther, Sir J. H.
Mackenzie, W. F.
McGeachy, F. A.
McNeill, D.
Martin, C. W.
Mitcalf, H.
Morgan, O.
Nicholl, rt. hon. J.
O'Brien, A. S.
O'Connell, M. J.
Paget, Lord A.
Palmer, R.

Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Polhill, F.
Pringle, A.
Repton, G. W. J.
Richards, R.
Rushbrooke, Col.
Seymour, Sir H. B.
Smith, rt. hon. T.B.C.
Sotheron, T. H. S.
Spooner, R.
Stanton, W. H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thornely, T.
Trelawny, J. S.
Trevor, hon. G R.
Trotter J.
Villiers, hon. C.
Warburton, H.
Wawn, J. T.
Wortley, hon. J. S.

TELLERS.

Young, J.
Bright, J.

List of the NOES.

Antrobus, E.
Archdall, Capt. M.
Beresford, Major
Codrington, Sir W.
Cowper, hon. W. F.
Duff, J.
Duncannon, Visct.
Goring, C.
Grimston, Visct.
Grogan, E.
Joliffe, Sir W. G. H.
Martin, J.
Yorke, hon. E. T.

TELLERS.

Berkeley, C.
Colborne, R.

On the Motion that the hon. George Cavendish be one of the Committee.

Mr. *Craven Berkeley* moved as an Amendment that the name of Lord Viscount Palmerston be substituted for that of Mr. Cavendish.

The House again divided on the original Question:—Ayes 65; Noes 29; Majority 36.

List of the AYES.

Adderley, C. B.
Baring, H. B.
Baring, rt. hn. W. B.
Bentinck, Lord G.
Blake, M. J.
Bodkin, W. H.
Boldero, H. G.
Bowles, Admiral
Bowring, Dr.
Brotherton, J.
Bruce, Lord E.
Cardwell, E.
Cholmondeley, hon. H.
Clerk, rt. hn. Sir G.
Corry, rt hn. H.
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Douglas, J. D. S.
Duncan, G.
Escott, B.
Fitzroy, hon. H.
Flower, Sir J.
Forster, M.
Fremantle, rt. hn. Sir T.
Gibson, T. M.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Hamilton, W. J.
Hawes, B.
Herbert, rt. hon. S.
Hindley, C.
Hughes, W. B.
Hussey, A.
Jermyn, Earl
Jocelyn, Visct.
Leader, J. T.
Lennox, Lord A.
Lincoln, Earl of
McGeachy, F. A.
McNeill, D.
Martin, C. W.
Mitcalf, H.
Nicholl, rt. hon. J.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Pringle, A.
Richards, R.
Rushbrooke, Col.
Seymour, Sir H. B.
Smith, rt. hon. T. B. C.
Sotheron, T. H. S.
Spooner, R.
Stanton, W. H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thornely, T.
Trelawny, J. S.
Trevor, hon. G. R.
Villiers, hon. C.
Warburton, H.
Wawn, J. T.

TELLERS.

Young, J.
Bright, J.

List of the NOES.

Antrobus, E.
Archdall, Capt. M.
Arundel and Surrey, Earl of
Beresford, Major
Campbell, Sir H.
Darby, G.
Dickinson, F. H.
Douro, Marquis of
Duff, J.
Duncannon, Visct.
Goring, C.
Granby, Marquis of
Grimston, Visct.
Grogan, E.
Henley, J. W.
Hollond, R.
Joliffe, Sir W. G. H.
Legh, G. C.
Lockhart, W.
Lowther, Sir J. H.
Mackenzie, W. F.
Martin, J.
Paget, Lord A.
Pechell, Captain
Polhill, F.
Repton, G. W. J.
Somerton, Visct.
Trotter, J.
Yorke, hon. E. T.

TELLERS.

Berkeley, C.
Colborne, R.

The Committee appointed, and the House adjourned at a quarter past one.

HOUSE OF LORDS,

Tuesday March 11, 1845.

MINUTES.] BILLS. *Public.*—1ª· Fresh Water Fishing (Scotland).

2ª· Stamp Duties Assimilation.

Private.—2ª· Calvert's Estate.

PETITIONS PRESENTED. By Viscount Strangford, from Cambridge University, against the Union of St. Asaph and Bangor.—By Earl of Minto, from Presbytery of Jedburgh, against the granting of Spirit Licenses to Toll Houses (Scotland).—By Earl Rosebery, from Inverness, against any Alteration of the present system of Banking (Scotland).—From Ardmayle, and Kinawly, for the Encouragement of Schools in connexion with the Church Education Society (Ireland).—By Lord Campbell, from Birmingham Canal Navigation Company, for regulating Charges for Conveyance of Passengers and Goods by Railway.

RALWAYS AND CANALS.] Lord *Campbell*: My Lords, I have to present a petition to your Lordships on a very important subject—it is one respecting railroads. The petition is from the Birmingham Canal Navigation Company, who may be considered as representing the canal interest of this country, in opposition to the railway interest. I have, fortunately, or unfortunately, as it may be, no personal concern either with one or the other of those two great interests; but I feel it my duty to state to your Lordships the canal interest as set out in this petition. The parties say they are no enemies to railways; but are perfectly willing to enter into a fair competition with them; but they ask protection against a most unfair attempt that is being made against them by the railway companies. They admit that as far as the carriage of passengers is concerned, the canal companies are beaten by the railways, and they are quite willing to yield to that superiority; but they say that with regard to the carriage of goods, with fair play, they can beat the railways. But the railways have entered into this scheme; namely, that of carrying goods for the present at such a low rate of charge as shall utterly ruin the canals, and then, when the canals are ruined, and the railroads have got into their own hands the carriage of goods as well as passengers, and have thus succeeded in obtaining a complete monopoly, not only will the holders of shares in canals be ruined, but the public also will greatly suffer. They state facts to show what the railroads are now doing. They say that the carriage of a ton of passengers is not more expensive to the railroads than the carriage of a ton of goods; but for the purpose of ruining the canals, what do the railroads do? They charge ten times as much for the carriage of passengers in the third-rate carriages, and in the first-rate carriages they charge thirty times as much as they would do for carrying a ton of goods. They thus charge a great deal too much for passengers, and a great deal too little for goods. The railways would be entirely ruined if they carried nothing but goods; but by the excessive charge for passengers they are enabled to carry goods at a price that would be ruinous to the canals. I think your Lordships ought to provide some remedy for this. What the petitioners ask is, that your Lordships in any general Bill would provide against this mischief, and require that there should be some ratio preserved between the charge for passengers and the charge for goods, and thereby afford the canal companies protection against this powerful combination of railways.

The Duke of *Wellington* remembered that a noble Friend of his (Lord Hatherton), not now in his place, presented a similar petition, and that noble Lord suggested a remedy, which was, that there should be some impediment placed in the way of any railway company raising the charge for the carriage of goods after having once determined the amount of that charge.

Lord *Campbell* did not recollect the suggestion, but he was aware that parties had been induced to apply to the Court of Queen's Bench for a *mandamus* to compel railway companies to preserve a ratio between the two descriptions of charge.

Petition laid on the Table.

TEMPERANCE.] The Earl of *Minto* presented a petition from the Presbytery of Jedburgh, in Scotland, complaining of the granting of licenses for the sale of spirituous liquors to toll-houses, and small ale-houses in Scotland.

The Duke of *Buccleuch* admitted the evils of the existing system; but it only obtained in certain districts of Scotland. He should beglad to see the whole system abolished; but there was a difficulty in doing this, in consequence of money having been lent on the security of the roads, and these toll-houses, by selling spirits, were supposed to add to the security looked to by the lenders.

Lord *Abinger* bore testimony to the evils complained of, and thought both the spirit-licensing system and the licenses for the sale of beer were fit subjects for their Lordships' consideration.

TRINITY CHURCH, CHELSEA.] The Earl of *Cadogan* moved for certain Papers relating to the application of a surplus fund, derived from pew rents in Trinity Church, Chelsea, and which the noble Earl contended had been applied by the Church Commissioners contrary to the provisions of the 58th and 59th George III.

The Bishop of *London* defended the Church Commissioners against the imputations which the noble Earl had cast upon them, and maintained that the application of the surplus fund had been made in accordance with the request of the clergy and the congregation, for the purpose of promoting divine worship. The right rev. Prelate said he would reserve to himself the right of entering into details when the Papers which the noble Earl moved for should be laid on their Lordships' Table.

Papers ordered.

House adjourned.

HOUSE OF COMMONS,

Tuesday, March 11, 1845.

MINUTES.] BILLS. *Public.*—1°. Sugar Duties; Customs (Export Duties).

Reported.—Lands Clauses Consolidation.

3°. and passed:—Consolidated Fund (8,000,000*l.*).

Private.—1°. Huddersfield Waterworks; South Devon Railway (Tavistock and other Branches); Launceston and South Devon Railway; York and North Midland Railway (Harrowgate Branch); Stalybridge Waterworks; Claughton-cum-Grange (St. Andrew's) Church; Claughton-cum-Grange (St. John the Baptist's) Church; Clydesdale Junction Railway; Berks and Hants Railway.

2°. Trent Valley Railway.

PETITIONS PRESENTED. By Mr. Shaw, from Protestant Inhabitants of Kilfangnabeg, and several other places in Ireland, for Encouragement to Church Education Society (Ireland).—By Mr. A. Smith, from Maltsters of Ware, for Repeal of the Duty on Malt; and from Yardley, for Rating Owners of Tenements in lieu of Occupiers.—By Sir H. Douglas, from Merchants of Liverpool, for Allowance of Duty on Stock of Sugar in hand.—By Viscount Duncan, from Ross and Southampton, for Repeal of Window Duty.—By Col. Rushbrooke, from Agricultural Society of Suffolk, for Protection to Agriculture.—By Mr. Bright, from Nottingham, against the Game Laws.—By the Attorney General, from Exeter, against Insolvent Debtors Act.—By Mr. T. Duncombe, from Durham, for Inquiry in cause of Accidents in Mines and Collieries.—By Mr. Arkwright, Earl of Arundel and Surrey, Mr. Bright, Mr. Brotherton, Mr. C. Howard, Visct. Howick, Mr. Hume, Mr. Liddell, and Mr. Samuel Spry, from an immense number of places, for Diminishing the Number of Public Houses.—By Mr. Hume, from Presbytery of Brechin, for Improving the Condition of Schoolmasters (Scotland).—By Sir G. Clerk, from Mayor and others of Stamford, for Reserving the Rights of Freemen of that Borough.

RAILWAY CLAUSES CONSOLIDATION BILL.] On the Order of the Day being read for the House going into Committee for the further consideration of this Bill,

Lord *G. Somerset* said, he trusted that every word and every line in these clauses might not be made the subject of discussion, as they had hitherto been. Unless he had the confidence of the House, he must at once give them up altogether, for they would not be enabled to pass them before Easter, and then the main object for which they were intended would be utterly defeated. He did not say this for his own convenience at all; but he did feel that it was quite useless for them to meet there every morning, if the Bills should not pass before Easter. He did not, of course, wish to put a stop to the discussion of any principle; but that every clause should be discussed, word by word, did appear to him to be quite unnecessary. He should be governed in the course that he should hereafter pursue by what should occur that morning.

House in Committee.

On Clause 44, which related to the crossing of footways,

Lord *G. Somerset* stated, that he had prepared an Amendment, which he proposed to insert in the place of that clause, and which, he trusted, would meet the views of the hon. and learned Gentleman the Member for Cockermouth, who at their previous sitting had recommended the introduction of the word "highway," instead of "carriage-road," so as to include both footways and bridleways. The following was the substance of what he proposed to insert, viz.—

"If the railway shall cross any highway other than a public carriage-road, the company shall, at its own expense, and at all times, maintain convenient ascents and descents, and other convenient approaches, with handrails and other fences, and shall, if it be a bridleway, make and maintain good and sufficient gates; or, if a footway, good and sufficient gates or stiles."

Clause, as amended, agreed to.

On Clause 53, which provides that the works should be constructed under the superintendence of the company's engineer,

Mr. *Pakington* wished to ask, whether something might not be done to compel the company to employ a sufficient police force, to prevent disturbances in the neighbourhood, and to preserve property through which the railroad passed. It was quite notorious that in many cases where a large number of unmanageable men were employed upon a railroad from all parts of the country, the depredations and disturbances which arose in conseqnence of there not being any sufficient power to keep them in awe were shocking to contemplate.

Lord *G. Somerset* said, the subject had not escaped his attention; but he was not able to see how properly to carry it out, and he had on the whole thought it would not be advisable to introduce any clause on the subject; but he was open to suggestions from any hon. Member.

Mr. *F. Maule* thought that the case was completely met by the Railway Police Act, which was passed a Session or two ago; and in conformity with which a railway company was compelled, on certain demands being made, to appoint a police force to protect the district.

Lord *G. Somerset*, before discussing the matter more in detail, would examine the Act to which the right hon. Gentleman (Mr. F. Maule) had referred, and which he believed would quite meet the case.

The Clause agreed to.

Clause 58 prohibiting companies from any right to any mines of coal, ironstone, slate, or other minerals, under any land purchased by them, except only such parts as should be necessary to be dug or carried away or used in the construction of the works.

Mr. *F. Maule* said, it appeared to him that this clause would act injuriously to the public, and in this way:—Suppose a railway going through a high hill; if they found no stone or other valuable material there, they would make a tunnel through it, which would not much deface the property; but if it contained valuable stone for their bridges and aqueducts, they would in all probability make an immense open cutting, instead of a tunnel, in order to get at the stone, to use "in the construction of their works." That would quite destroy the appearance of the ground, and ought, in his opinion, to be guarded against.

Lord *G. Somerset* did not think that the case which the right hon. Gentleman had made out was one of great hardship; because it was quite clear, by other clauses of the Bill, that if the company took stone, or anything else from the land, they must pay for it.

Mr. *Darby* could hardly conceive the possibility of a company undertaking to make a tunnel, if a cutting would by any means answer the purpose; for every one knew that the expense of tunnelling was much greater than that of excavating, under ordinary circumstances. He regarded the clause as a safeguard to the landowner; who was, by it, entitled to any minerals found under the soil, even after he had unwittingly sold it to the company. He suggested, however, that the words "carried away" should be omitted, because the company might choose to carry a whole mine away.

Colonel *Sibthorp* said, that to speak of compensation in such a case as this was all a farce. No doubt the Legislature would next allow these marauding engineers not only to go into a gentleman's cellar and tilt his wine, but actually to run away with the bottles.

Lord *G. Somerset* said, if the Committee would allow the clause to pass as it then was, he would look at it again, and would take care that it should not convey more than it was intended to do. The intention simply was to reserve to all parties the right to the minerals under their land.

The clause conditionally agreed to.

On Clause 66,

"It shall be lawful for the company to use and employ locomotive engines, or other moving power, and carriages and waggons to be propelled thereby, and to carry and convey upon the railway all such passengers and goods as shall be offered to them for that purpose, and to make such reasonable charges in respect thereof as they may from time to time determine upon, not exceeding the tolls by the special act authorized to be taken by them."

Mr. *Stansfield* thought that it ought to be made imperative on the companies to carry passengers and goods, after the great powers with which Parliament had invested them with a view to the accommodation of the public. He should move, therefore, the insertion of words which would make the first part of the clause read thus—"It shall be lawful for the company or their lessees, and they are hereby required to use."

Lord *G. Somerset* did not see what good end would be served by the insertion of the proposed words. It was not at all likely that a number of men would combine to make a railway simply for the pleasure of making a railway. Beyond a doubt profit was their ultimate end, and they could not hope to make any profits unless they carried passengers and goods.

Mr. *F. Maule* said, that lines had been made without the slightest intention on the part of the promoters that they ever should be worked. Suppose an existing trunk line of some length: a new company proposed to make certain new and shorter lines from town to town, which if carried would materially interfere with the traffic of the main line. Then the old company seeing this also started sundry new branches, simply to compete with the other new ones, and if they succeeded in beating the new lines out of the field that was all they wanted, and they did not care even to construct their own new lines.

Lord *G. Somerset* asked the Committee seriously to consider what would be the effect of acceding to the Amendment of the hon. Gentleman. If they said that the company must take every person who should offer himself upon the line, they must be prepared to say that if a million of passengers wanted to go on the line, the railway company was bound to carry them all. He certainly conceived, if it were intended to secure the rights of the public by a peremptory clause of this sort, that this was neither comprehensive enough nor stringent enough for the purpose. That, however, was not the object of the clause. Besides, he could not conceive that it would be just to compel railway companies who had started with honest intentions, but had found that they could not afford to carry passengers, to continue, when instead of being remunerated, every train that was started proved a dead loss to them.

Mr. *Gill* opposed the Amendment. Unless it were much more comprehensive, the companies might constantly evade it. They might, for example, run only one train, and that at so inconvenient an hour, and at so slow a rate of speed, that no one could go by it.

Mr. *Aglionby* should vote for the Amendment, to put an end to the scheming and jobbing intentions with which railways were often started.

Mr. *Darby* put the case of a railway made without being intended ever to be worked, or of a railway which was not remunerating the company—what would be the effect if, in such a case, a clause was inserted in this Consolidation Bill, compelling the company to work that line? Why, the public would be in danger of having the line worked when it was in a state of very imperfect repair; instead, therefore, of advantage accruing to the public from the adoption of the Amendment, he contended that very great danger both to life and limb would be the result.

Mr. *Gladstone* objected to the Amendment. He was of opinion, that the difficulties which had been alluded to by different hon. Members in the course of the debate might very easily be obviated, if the Private Committees would exercise due caution and discretion. They might, for example, in the first place, not sanction any line where there was not proof of a sufficient traffic existing to induce the company to work the railway for the sake of profit. Another thing which he should suggest to Private Committees would be, to guard and watch very particularly all applications for the amalgamation of companies, or for giving one company control over the line of another company. And again, if a company applied for new branches he should take care to provide that those branches should be worked as long as the main line was worked. He did not see, however, how the proposed object could be carried into effect by a general rule. To compel a company to work a line when it was no longer remunerative to them, appeared to him to be contrary to every principle of justice. He hoped that the Committee would not attempt to enact, in these general Bills, clauses which it would be impossible to carry into effect.

Mr. *F. Maule* said, that no doubt his hon. Friend would withdraw his Amendment if the noble Lord would give a promise to reconsider the clause.

Mr. *Aglionby* suggested, that a Standing Order, requiring Private Committees to attend carefully to this matter, and to report to the House upon it in every case, might be found to answer the purpose.

Lord *G. Somerset* said, that he had already given his best attention to the subject, and he did not see what else he could do with it. He would prefer dividing, if the hon. Gentleman persisted in having a division, in order that the Committee might decide upon it at once.

Mr. *Stansfield* said, he should press his Amendment.

The Committee divided:—Ayes, 17; Noes, 31: Majority, 14.

List of the AYES.

Aldam, W.
Allix, J P.
Arkwright, G.
Baskerville, T. B. M.
Busfeild, W.
Colborne, hn. W. N. R.
Douglas, J. D. S.
Forbes, W.
Henley, J. W.
Horsman, E.
Maule, rt. hon. F.
Norreys, Sir D. J.
Plumptre, J. P.
Rolleston, Col.
Sibthorp, Col.
Wawn, J. T.
Wodehouse, E.

TELLERS.
Stansfield W.
Aglionby, A.

List of the NOES.

Baring, rt. hon. W. B.
Beckett, W.
Brotherton, J.
Buckley, E.
Buller, E.
Clayton, R. R.
Colquhoun, J. C.
Craig, W. G.
Deedes, W.
Egerton, W. T.
Entwisle, W.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gladstone, rt. hon. W. E
Hepburn, Sir T. B.
Joliffe, Sir W. G. H.
Legh, G. C.
Lowther, Sir J. H.
Marsham, Visct.
Martin, C. W.
Mundy, E. M.
Pakington, J. S.
Parker, J.
Patten, J. W.
Rice, E. R.
Smith, rt. hon. T. B. C.
Smollett, A.
Somerset, Lord G.
Thornely, T.
Trelawny, J. S.
Whitmore, T. C.

TELLERS.
Gill, T.
Darby, G.

Clauses to the 70th exclusive, were agreed to.

The House resumed. Committee to sit again.

House adjourned till five o'clock, and then resumed.

BUENOS AYRES AND MONTE VIDEO.] Viscount *Palmerston* said: I rise, Sir, to ask the right hon. Baronet at the head of Her Majesty's Government some questions of which I gave notice a few days ago, with regard to the hostilities carrying on between Buenos Ayres and Monte Video. It is well known that between those two States there has existed, for five or six years past, a state of hostility more or less interrupted. And it is also well known that the British Government at one time endeavoured, by an offer of mediation between the two parties, to put an end to those hostilities. The questions which I am going to ask are founded on documents which have been published in the newspapers of Monte Video, in which appeared a Correspondence between Mr. Mandeville, the British Minister at Buenos Ayres, S. Arana, the Minister for Foreign Affairs at Buenos Ayres, and S. Vidal, the Minister for Foreign Affairs at Monte Video. From that Correspondence I am led to infer, that about the summer of 1842, the British Government determined to interpose, and put an end to those hostilities by forcible interference. I beg to guard myself against being supposed to express any opinion, one way or the other, whether the case was such as either to call for or authorise such an interference on the part of any third party, though it is perfectly true that the great commercial interests of this country were affected by that war; and that it would be of great importance to the interests of this country, that the war in question should cease. Nor is it necessary for me to say anything as to which of the two parties was in the right; or to give any opinion whether both of them were in the wrong. But this I may observe—that it appears by a letter written by Mr. Vidal, dated August the 30th, 1842, and sent in answer to a letter from Mr. Mandeville, bearing date the 25th of the same month, that the Secretary of State for Foreign Affairs had a short time previously informed the Agent of the Monte Videan Government in this country that the British Government had determined to put an end to the war between the two Republics in question. It also appears, by a letter from Mr. Mandeville, addressed to Mr. Vidal, the Minister of Foreign Affairs for the Republic of Monte Video, dated the 9th of September, in the same year, that Lord Cowley had an interview, on the subject of the war between the Argentine and Uruguay Republics, with M. Guizot; and that the latter had agreed to all the proposals made on the part of Great Britain, for the union of the forces of the two countries, in order to put an end to the war. It likewise appears that an official note was sent on the 16th of December, in the same year, by Mr. Mandeville, to the Government of Buenos Ayres; and a similar note was, I have been informed, delivered to that Government by the French Minister at the same time. Mr. Mandeville's note I will read to the House, as it appears in the public journals of Monte Video; and the right hon. Baronet will, I trust, inform the House, whether it substantially agrees with the official documents that are, no doubt, in his possession. It is as follows:—

"*Buenos Ayres, Dec.* 16, 1842.

"The Governments of England and of France having determined to adopt such measures as they may consider necessary to put an end to the hostilities between the Republics of Buenos Ayres and Monte Video, the Undersigned, Minister Plenipotentiary of Her Britannic Majesty to the Argentine Confederation, has the honour, conformably to the instructions received from his Government, to inform His Excellency M. Arana, Minister for Foreign Affairs of the Government of Buenos Ayres, that the sanguinary war at present carried on between the Government of Buenos Ayres and that of Monte Video must cease, for the interest of humanity, and of the British and French subjects, and other foreigners, who are residing in the country which is now the seat of war; and, therefore, requires of the Government of Buenos Ayres,—

"1. The immediate cessation of hostilities between the troops of the Argentine Confedeation and those of the Republic of Uruguay.

"2. That the troops of the Argentine Confederation (it being understood that those of the Republic of Uruguay will adopt a similar course) remain within their respective territories, or return to them in case they should have passed their frontier.

"The Undersigned requests his Excellency to reply as soon as he conveniently can, whether it is the intention of the Government of Buenos Ayres to accede to these demands, and has the honour to be, &c.

"J. H. MANDEVILLE.

"*To His Excellency Don Felipe Arana.*"

It appears, further, that the Plenipotentiaries of the two countries were of opinion that the combined naval forces of England and France would appear in the La Plata about the end of the month of December, for the purpose of enforcing those demands.

Now, what I wish to ask the right hon. Baronet is—since it appears, by subsequent events, that the proposition contained in these letters has not been acted upon—when it was that the two Governments of England and France altered their intentions of resorting to forcible interference—what were the reasons that led to that change of determination upon their part; and whether that change was officially communicated to the respective Governments of the two Republics concerned; and was made known to those British subjects, and other residents, whose interests might be affected in one way or another by the result of the war? I would also wish to ask the right hon. Baronet whether he has any objection to lay upon the Table of the House the Correspondence that has taken place on the subject of this proposed interference.

Sir *Robert Peel:* In reply to the questions put by the noble Lord, I have in the first place to observe, with respect to the communication which was presented by our Minister, and by the Representative of France, to the Government of Buenos Ayres, that the translation which has been read by the noble Lord to the House is substantially correct, and agrees in the material points with the original document which I hold in my hand. There is, as might naturally be supposed, some variance in the expressions used; but I must at the same time admit that the translation is in substance perfectly correct. In December, 1842, the Representatives in the Argentine Confederation of the two Powers of England and France did send in to the Governments of Buenos Ayres and Monte Video the representation contained in the letter which has been read by the noble Lord to the House; and I think in the following January they went forward and stated that they had good reason to believe that the combined fleets of England and France had sailed from Europe for the purpose which they had before stated. I do not know whether the noble Lord recollects that in the month of June, 1843, a question similar to that which he has now brought forward was put to me by, I think, the hon. Member for Dumfries. That hon. Gentleman asked me on that occasion whether the Minister Plenipotentiary of this country had been entirely justified in the course which he had taken towards Buenos Ayres; and whether he had full authority for threatening that, if the amicable efforts of England and France failed in putting an end to the war raging between that Republic and Monte Video, those Powers had resolved upon a forcible interference for that purpose. In reply to that question, I stated that the Representatives both of England and France had received an instruction to make the most urgent communications to the Governments of the two belligerent Powers, pressing in the strongest manner for the suspension of hostilities; but I added at that time that the Representative of England had not been justified by his instructions in holding out any menace of armed interference on the part of England and France; that, in fact, I thought both the Minister of England and the Minister of France did go beyond their instructions; at the same time that I felt they had been placed in peculiar circumstances of great difficulty and embarrassment. They saw a desolating war interfering with the pursuits of innocent commerce, and materially injuring the interests of many subjects of their respective countries; and, under these circumstances, the Representatives both of England and France did, in my opinion, exceed the bounds which their instructions warranted them in reaching. Being most solicitous to put an end to the warfare, they took the earliest opportunity of communicating their views to the Governments of the two Republics; but in doing so they were induced, in my opinion, to go beyond the strict limits of their instructions. Such was the reply which I gave to the question put to me in this House in 1843. The noble Lord referred to a letter written by Mr. Mandeville, in 1842, to Senor Vidal, the Minister for Foreign Affairs in Monte Video. I am sorry that Mr. Mandeville did not communicate these documents to us; but we did not know anything of them until we saw them referred to in the public papers of Monte Video. I must at the same time observe, that I consider Mr. Mandeville to be a most worthy officer, and I am willing to make every allowance for the painful circumstances in which he was placed. He knew that the most cordial feeling existed between the Governments of this country and of France on the subject; and the Representative of France having arrived at Monte Video at the time, and having communicated with him, it was, I think, partly in consequence of that circumstance that Mr. Mandeville was induced to exceed his instructions. Though Mr. Mandeville was informed that he had exceeded his instructions, and that he had done wrong in stating to the Governments of Monte Video and Buenos Ayres that England and France had resolved to resort, if necessary, to armed interference to put an end to the war; yet, looking at the great object which he had in view, namely, the putting an end to the existing hostilities between those countries, it must be admitted, in justice to him, that he had a most powerful inducement to act as he did. At the same time after the appearance of that correspondence showing that the Representative of this country at Buenos Ayres had carried on a confidential communication with the Government of a country at war with Buenos Ayres, it appeared to us that he could not with propriety be continued longer in that country; but still, in justice to Mr. Mandeville, I must add that nothing whatever has occurred to induce the British Government to lose the confidence which they have always reposed in him. I have only to observe, in addition, that at the present moment, when we are about to renew our representations with the Government of Buenos Ayres—when this country, acting in conjunction with France, is about to make a fresh effort to restore peace in that quarter of the world, by offering, in the first place, a peaceable mediation, I do not think it is a time when I could with propriety consent to lay the Papers required by the noble Lord upon the Table.

Viscount *Palmerston* wished it to be understood that he did not require the production of any Paper that would retard the negotiation at present going forward. He believed, that in the first place, Mr. Mandeville had been officially employed in negotiating a commercial treaty with Senor Vidal, and he had been thus necessarily obliged to communicate with that functionary. If, therefore, any blame was to be attached to the publication of a portion of the correspondence that passed between them, he thought it lay with Senor Vidal, and not with Mr. Mandeville.

Sir *R. Peel* said, he was convinced that Mr. Mandeville never expected that his letters would be published. He was also satisfied that M. Vidal knew nothing of the intended publication, as he had been labouring under indisposition at the time; and the documents were most probably made public by an act of treachery towards him.

THE SUGAR DUTIES BILL.] Mr. *Labouchere* wished to inform the right hon. Baronet the First Lord of the Treasury of a circumstance which had occurred at the morning sitting. He alluded to the Sugar Duties Bill having been read a first time, and though he did not believe there would be the smallest disposition evinced in the House to obstruct the progress of that Bill—and certainly none whatever to retard it in its last stage—still he thought it ought to be an understood rule in the House that no Money Bill should be passed through any stage at the early sittings without special notice of its introduction being given in the first instance. The right hon. Baronet would perhaps have the goodness to state to the House his views of this matter, as it would be most desirable to have it understood whether the usual course was in future to be departed from or not. He could see no difficulty in having the Sugar Duties Bill then read a first time, instead of at the twelve o'clock sitting.

Sir *R. Peel* felt bound to admit that he entirely concurred with the right hon. Gentleman in the general principle which he had laid down. He thought the best policy they could adopt would be, not to have any public Bill introduced at the morning sittings without a distinct prior understanding on the matter. With respect to the Sugar Duties Bill, he anticipated that there would be no division upon the first reading, or otherwise he would not have allowed it to be brought forward at the early sittings, but in future he would take care that no public Bill should be brought forward before the evening sitting.

NEW ZEALAND.] Mr. *Somes* said, he had given notice of a Motion on the subject of New Zealand, which he would beg leave simply to move for the adoption of the House, without entering into any discussion upon it for the present. The Motion was as follows:—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between the Colonial Office and the Governor of New Zealand, respecting the issue of Debentures and the rendering them a legal tender: Of all Correspondence between the same respecting the Taxes proposed in the Legislative Council of that Colony: Of all Correspondence between the same respecting recent outrages by the natives in the Bay of Islands, and the abolition of the Custom-house of that district: Of all Correspondence respecting the measures taken by the Governor of New Zealand to fulfil Lord Stanley's agreement of 12th of May, 1843, respecting the grant of a conditional title to the lands of the New Zealand Company: Of all Correspondence respecting the disallowance by the Governor of New Zealand of any awards made by the Commissioner of Land Claims respecting the Company's lands: Of all Correspondence relating to a Proclamation issued by the Governor of New Zealand, allowing the sale of lands by the natives at a less price than that fixed by the Act of 5th and 6th Vic. c. 36."

Mr. *Aglionby* said, in seconding the Motion of his hon. Friend, it was not his intention to offer any remarks respecting the general question to which the Motion might give rise. In the observations with which he would presume to trespass on the House—and he should make them with considerable diffidence—his principal object would be to guard against any statements which might be made, either in that House or among the public out of doors, respecting the intention of the supporters of the Motion, to enter on that occasion into the whole question between the New Zealand Company and Her Majesty's Government. He believed that a notion of such an intention being entertained was generally prevalent, and he was stengthened in that belief by the inquiries which had been made of him by several hon. Members during the evening. But it was not at all the intention of the hon. Member for Dartmouth (Mr. Somes), and it certainly was not his intention, then to raise any discussion on a question which would probably come before the House on some future occasion. Hon. Gentlemen were well aware from the report of the Select Committee of last year, and the public at large were aware, through the usual organs of information to which they had access, of the allegations put forward on behalf of the Company and of the Colony. These allegations had been publicly made, and had become matters of public notoriety. It was well known that complaints had been made before the Committee to the effect that the interests of the Colony, and the progress of the settlements of the Company, were thwarted by the hostility of the Colonial Government. The late Governor of that Colony had been in particular complained of, on the ground of his having some supposed feeling in favour of the Government settlement in the north of the island, which was the child of his own creation; but into that question it was not his intention to enter. He would not on the present occasion enter into any question arising out of the Company's claims or the Company's wrongs; but this he would say, that the Report of the Committee of last Session could not be allowed to sleep. The question of the claims, which he believed on his conscience the Company and the Colonists had upon the Government, was one which might probably come before the House on a future occasion—that is, assuming that Her Majesty's Government collectively, and the right hon. Baronet the First Lord of the Treasury in particular, should, notwithstanding the strong sense of justice for which he was remarkable, persevere in refusing to grant them the redress they required. But should that subject be brought forward, the Company and the colonists would depend on putting forward a full statement of their case in a petition, which would embody, as far as possible, all the particular acts of which they complained. He made these preliminary remarks lest it should be supposed that he, and the hon. Gentleman who went with him in that Motion, had any intention of raising the discussion on the present Motion into what he heard termed, the New Zealand debate. But, without entering into that part of the case, they had other important duties to perform in reference to the conduct of the Colonial Department and of the Local Government of New Zealand. It might be asked why he, and the hon. Member for Dartmouth, who were both known to be connected with the New Zealand Company, should have been selected to bring forward the subject, if it did not immediately interfere with the interests of the Company; but his answer was, that they were put forward as knowing more of the condition of the Colony than other Members in the House. They had also means of arriving at the conviction that no single office, such as the Colonial Department, could possibly, under any Colonial Secretary, pay that attention to the wants and the condition of each particular Colony which those dependencies required. He had had much of the condition of New Zealand brought under his notice; and he would venture to ask whether any other Members of the House, except those who were immediately connected with the New Zealand Company, had more than the slightest knowledge of the real position of affairs in that Colony? As to Her Majesty's Government, it was not to be expected that the right hon. Baronet the First Lord of the Treasury could be aware of what was passing in that Colony, as he believed, according to the routine observed in Government, it was not the duty of the right hon. Baronet to look into the affairs of particular Colonies, unless his attention happened to be specially directed to them. But whether the officials in the Colonial Department knew as much as hon. Members connected with New Zealand or not, one thing was clear, that a portion of the information for which they now applied ought to have been made known long before the present time by the Colonial Office. He alluded to the first part of the Motion—namely, for "Copies of all Correspondence between the Colonial Office and the Government of New Zealand respecting the issue of Debentures, and the rendering them a legal tender." He did not suppose there were half a dozen Members in that House who had the least idea of the fact that the Local Government of New Zealand had issued paper money or debentures to the amount of 15,000*l.*, and had made them a legal tender, though some of them were given for sums as low as 2*s.* It was not his intention to go into details on this matter; but from the allusion which he had made to it, he trusted the House would concur in thinking that he did no more than his duty, not merely to the New Zealand Company, but to the public at large, in requiring to know whether that issue of debentures had taken place with the knowledge and consent of the noble Lord the Secretary for the Colonies. As great anxiety was felt on this subject out of doors, he trusted that some information would be given to them respecting it, even before the Papers were produced. He wished to know whether he was correct in understanding that one of the regulations issued from the Colonial Office was to this effect:—

> "The Governor is not empowered to pass any law without power from Her Majesty's Government, whereby any paper bill or debenture would be circulated or used, or any alteration made in the circulating medium of the Colony."

Now, if that rule were established and acted upon, he would wish to know whether any authority had been issued from the Colonial Office, authorizing the issue and circulation of these debentures. In one of the Colonial newspapers, which gave not merely the views and opinions of the Governor, and of the *ex officio* members, such as the Attorney General and the Colonial Secretary, who unfortunately had the majority of votes in the Legislative Council, but also of the independent members of the Council, he found that the measure had been in the strongest manner objected to in the Assembly. In the course of the debate the Colonial Secretary said that the Local Government had no other means of paying the expenses of the Colony, and that the parties holding the debentures must make the best use they could of them. He added that the Government had no other alternative but to issue them, and that the honour of the Home Government would be pledged to their payment. The Governor also defended the measure in his speech on similar grounds. He would also ask, whether that portion of the regulation of the Colonial Office which required the Governor of the Colony to send home Minutes of all proceedings in the Council, had been complied with, and, if so, whether these Minutes would be produced? The second part of the Motion was, for "Copies of all Correspondence between the same respecting the taxes proposed in the Legislative Council of that Colony." He thought the House had a right to know, when taxes were proposed to be levied in a Colony, what the policy of the Government was under which such proposition was made. He had seen many letters and despatches from New Zealand on this subject, and he thought the House ought to have full information laid before them respecting it. What, he asked, would they think of a tax which proposed to levy as much as 10*s.* on every sheep imported into the Colony, and thus imposing an effectual barrier to one of the principal means by which the prosperity of the Colony could be extended? Again, there was a tax placed on the dogs used in herding the sheep—also a most unjust and impolitic measure. But that was not all. Instead of seeking to promote cleanliness and health and morality in the

Colony, the Governor actually proposed a tax of one pound sterling on every room found in every house over and above three rooms; thus forcing the family and their labourers and servants to reside together. He did not know whether this allegation would be proved by the production of the Correspondence; but it was certainly stated in all the Colonial newspapers, and the measure was only withdrawn through the opposition of the Legislative Council. The third part of the Motion was for "Copies of all Correspondence between the same respecting recent Outrages by the Natives of the Bay of Islands, and the abolition of the Custom House of that district." A feeling had grown in the Colony, that the Government were inclined to show undue favour to the native inhabitants, and that, in fact, almost any crime might be committed with impunity by the aborigines towards the whites. Without giving any opinion as to the grounds on which this feeling rested, he would ask whether it were a likely mode to remove it, for the Governor, after having promised to grant some inquiry into the murder at Wairau, to have pronounced his decision after an examination only of the murderer and his tribe? Was that an inquiry conducted according to the laws of the country? The removal of the Custom House was another circumstance that required investigation. There was a general feeling among the natives in the Colony, that they might do anything with respect to the European population with perfect impunity. He would not allude to the Papers which had just been printed, entitled, "Copies of Letters from Mr. Shortland, late Acting Governor, and Mr. Busby, late resident at New Zealand, to Lord Stanley and Mr. G. Hope," which had been laid on the Table on the Motion of an. hon. Member opposite, beyond saying that those gentlemen had had recourse to the Colonial Office to make their statements public. Mr. Dandison Coates had also published a statement, he did not say with the authority, but with the apparent authority of the Colonial Office; and which, as well as the former Papers, had been made the vehicle for attacks on the Company. He wished to know whether they were to learn from them the manner in which the honour of Her Majesty's Government had been maintained, and in which protection had been given to Her Majesty's subjects in that Colony? It appeared from their account, that the Government flagstaff at the Bay of Islands had been pulled up by the natives, and the colonists, more especially the women, had been most grossly insulted. The Governor, on being informed of this, told the aborigines not to do so again, and as a punishment took ten muskets from them, which he afterwards gave them back. The next matter to which he should refer was connected with the Correspondence respecting the measures taken by the Governor of New Zealand to fulfil Lord Stanley's agreement of the 12th of May, 1843, respecting a grant of a conditional title to the lands of the New Zealand Company; and on this part of the Motion, as he found that the Under Secretary had given notice of an Amendment, and the hon. Gentleman, no doubt, would give some explanation, he should postpone what he had to say until he could reply to the hon. Secretary. On this point he, however, would at once state that there was a great deal more information on this subject which he intended to apply for, but not at present, as he wished to abstain from mixing up with the present Motion anything of a subsequent one connected with the claim of the Company; and then he should move fro a return of figures and official statements, showing how the Company's claim was made out. He presumed there would be no objection to the Correspondence respecting the disallowance, by the Governor of New Zealand, of any awards made by the Commissioners of Land Claims respecting the Company's lands. The last part of the Motion referred to the Correspondence relating to a Proclamation by the Governor of New Zealand, allowing the sale of lands by the natives at a less price than that fixed by the Act of 5 and 6 Victoria, c. 36. The hon. Under Secretary had given notice of an Amendment on this point: he trusted the hon. Member would state what his objections were to the wording. By the first regulation, all lands were directed to be disposed of by sales alone, and that these should be by public auction. By the 5th and 6th Victoria, c. 36, it was directed that these lands should be all put at the uniform price of one pound an acre. Since then extensive sales had taken place at much less than this price. If the hon. Member refused to give the correspondence which he had asked for in his Motion, he still trusted that the hon. Member would give an explanation as to the instructions of the Governor on the subject. It was formerly declared that all lands not in the possession of the natives were vested in the Crown, and any sales of lands by the natives were, for the future, put a stop to. This, however, was not adhered to; and purchases of land from the natives were allowed by the Governor. He wished to know whether Her Majesty's Government had sent out fresh instructions on this subject. It appeared now that it was the intention of the Governor to give power to buy of the natives. He wished to ask whether the Government Proclamation had been issued with the authority of the Colonial Office; and if so, whether it was in conformity with the policy which it was intended to pursue for the future in that Colony. Several cases of this kind, in the Wellington district belonging to the Company had been productive of great injury and injustice. He had thus gone at length over the several points involved in the Motion; but smarting with the inattention which this matter had met with on the part of the Government, he might have been led away to make attacks of a personal nature, which he certainly did not intend. All that he wished was to call the attention of the House to the policy of the Government as manifested by the Colonial Office, both at home and in the Colonies. Was the House aware that there were 10,000 persons recently settled on the Company's lands, and that there were between 16,000 and 17,000 British inhabitants in the whole, all of whom were in a state of the greatest distress? He begged the House to remark that this distress was not confined to the Company's settlements, but was equally prevalent and severe in Auckland. He might be told that the distress had been occasioned as much by the drawing bills by the Company as by the Local Government. But here, in the seat of Government, at Auckland, and in the northern part of the island, the distress was much greater than it was in Wellington or any other part of Cook's Straits; he therefore called on the House, and more especially on the right hon. Baronet, not to listen to and be led away by *ex-parte* statements on this subject. He was sure that the Under Secretary would not deny that the Colony, under good regulations, might become a source of wealth to this country. New Zealand possessed the finest climate on the face of the globe; and, as was stated in the Report, it might hereafter become a source of defence for this country. The island was in such a position that it commanded every advantage—it possessed the means and materials for ship-building more than any other spot—and on its coasts were several of the very finest harbours in the world. Its soil was capable of the highest cultivation; and in an eminent degree, it possessed the sources of prosperity and wealth. A great number of the labouring emigrants who had fallen into distress, had been, and still were, maintained by the Company, although it was well known that the affairs of that body were not in such a state as to enable them to do so without great sacrifices. In order to save them from destitution the Company had expended between 20,000*l.* and 30,000*l.*, by affording employment in public works, such as roads, bridges, and similar undertakings, which must be advantageous to the Colony at large. He trusted that the Government would act in a way which would promote the welfare of the Colony, and be consistent with the claims of humanity; and while they saw that every protection was extended to the settlers, they would also take care that the interests of the native population were not sacrificed. The hon. Gentleman concluded with seconding the Motion.

Mr. *G. W. Hope* was afraid he must trust to the indulgence of the House while he was entering his protest against the course which had been followed by the hon. and learned Member for Cockermouth. He must protest most strongly against the course which he had pursued, even whilst he admitted that it was most important to have the information which was sought for produced. The hon. and learned Member for Cockermouth must have known very well that this information was ready to be given when it was asked for. The hon. Member must have known that he had only to move for the production of these Papers, when they would be laid before him. His astonishment and surprise were great to hear the hon. and learned Member utter such a speech in seconding the Motion for this information, while the hon. Member at the same time postponed another Motion the hon. Member had to make upon the same subject, to some future time. It had suited the hon. and learned Member's purpose to pursue this course, and to state that he would bring forward his Motion on this subject by bits. The hon. Member said that he would not raise the general question at present. Now, whether the hon. and learned Member had done so or not in the speech which he had made, he would leave the House to determine. The hon. Member said that they had been guilty of a great breach of faith. What right, he would ask, had the hon. and learned Member to state that the noble Lord the Secretary for the Colonies, and the Government, were guilty of a breach of faith, without offering proof of the fact? Why did not the hon. and learned Gentleman produce his evidence to substantiate his charge? He would appeal to the House to say whether such a course was fair or justifiable? Did the hon. and learned Member now mean to deny his words?

Mr. *Aglionby:* No, I did not say any such thing. What I stated, was only that it had been alleged over and over again that such conduct had been pursued by the Government. I have merely stated what had been alleged against the Government, and what I believe could be proved before a Committee.

Mr. *Hope:* The hon. and learned Member now took the more convenient course of stating merely that what he had said had been alleged against the Government; but the hon. Member had given his own belief in such allegations, and had left it to the House to draw their own inferences. He complained of such a course as this, because he thought the charge should not be brought forward unless the hon. Member was prepared to substantiate it. A full inquiry was made last Session into this question, and the whole evidence respecting it had now been before the country for months. Moreover, these charges had been most industriously published throughout the country. He believed it was well known that they had been circulated by the authority of the New Zealand Company. The *Spectator* and other journals gave insertions to these charges. He only referred to these facts now to show the extensive inquiry which had been made upon the subject, although most material facts were altogether omitted, or disguised in every possible shape, in the publications to which he had alluded. He presumed that the hon. Member for Liskeard would not object to the facts he was stating. All this information was before the public long before the Parliament met. It was stated over and over again that much indignation was felt at the conduct of the noble Lord the Secretary of the Colonies, and it was even said that they would proceed by impeachment against him. The hon. and learned Member for Liskeard smiled at this statement; he, however, had no doubt but that the hon. and learned Member would agree with him in the fact he had stated. It had even been asserted that the noble Lord was afraid to meet the charge in this House, and had, therefore, retired from it. He thought that he had every reason to complain of those charges having been made outside of this House, and some of them repeated inside of it, without any attempt being made to substantiate them. He trusted that, after this discussion was over, the question would not be any longer left in this position. The hon. Member for Cockermouth, not satisfied with the present Motion, stated it to be his intention to follow it up with a Motion for the production of other Papers, and that he would ultimately bring the whole case before the House. He appealed to the House to say whether or not the volume which they had before them did not contain everything relating to this Colony, and necessary to enable them to judge of the conduct of the noble Lord in connexion with it? When hon. Members arraigned his opinions, and talked of calling the noble Lord up for the purpose of judging him upon repeated charges of breaches of faith and a want of honour, he thought that he had a right to demand from those who made such charges that they should come forward and substantiate them, or to confess the total groundlessness of them. He would now proceed to those points to which the hon. Member had adverted. They had now before them the whole conduct of the noble Lord in the Colonial Office. The information had been some time before them, but it had never been made use of. The hon. and learned Member for Cockermouth evaded this fact; he attacked the noble Lord, and then said that the information required was a sealed book. Why, the book was there for the inspection of him, as well as every other hon. Member! But although Lord Stanley, who was present, was not attacked, a violent attack had been made upon the Governor of the Colony, who was absent; although the hon. and learned Member knew not, at the time, what that Gentleman could say in his defence. The hon. and learned Gentleman should have first sought for this information, and then have made his charges, if he could. No; he first attacked the Governor, then turned round and asked for information! He protested against this course. He would tell the House what information he could give on these points. It was well known that, from circumstances over which they had no control, for a very long time they had been without any advices from the Colony. In respect to the first subject that was alluded to in the Motion before the House, as regarded the question of legal tender, they had a statement of the issue of the debentures alluded to, but not that they were ever declared to be a legal tender. Even this course, however, was not approved of by the Government at home, and the withdrawal of them immediately was ordered. So far, then, as the information went, such a proceeding was not sanctioned by the warrant of the Government. As to the second question respecting taxes in the Colony, they had not received any of the minutes which alluded to this subject. He could not account for having been left for such a length of time without any advices from the Colony. With respect to the third question, as to the recent outrages which had been committed, the only account he had was that which he proposed to move for the production of—that would state the circumstances of troops having been sent for from New South Wales. He had only lately received this information from New South Wales. As to the fourth question, when the proper period arrived he would move his Amendment, and, if necessary, would go into the case involved in this paragraph. He could furnish no information in answer to the fifth question beyond that which he would lay before the House. He would now proceed to the other points to which the hon. and learned Member had alluded. The hon. Member had taken a most extraordinary course; he had attacked Captain Fitzroy in reference to the unfortunate occurrence at Wairau, as having given his opinion on the single statement of the murderer himself. [" No."] That was his understanding of what the hon. Member said, if he had misunderstood the hon. Member, he withdrew his assertion. So far from the opinion having been formed on the *ex-parte* statement of the murderer himself, the Governor's opinion was formed on the *ex-parte* statement of those who were opposed to the natives—on the depositions taken by the magistrates at Wellington, and on the statement of the accuser. He would not go into the case at large; the hon. Member had not done so, though he had thrown out insinuations; but this he must observe, that the questions involved were questions of the rights of the natives, followed by a conflict between them and Europeans; that on the whole review of the circumstances, taking into account the savage character of some of these tribes—taking into account their habits, and the customs which had been followed amongst them, it did not appear to the noble Lord that it would be a right course to take relative to this most unfortunate and lamentable occurrence, to subject it to the proceedings of an inquiry before a regular judicial tribunal. The hon. Member further alluded to the state of feeling which, he said, was produced by this occurrence in the island, on the part of the British population—a feeling that they could obtain no justice. He need, however, scarcely refer the House to the impossibility of at once enforcing upon a people such as the New Zealanders habits of obedience to the law. He believed that whatever feeling existed had arisen from dissatisfaction on that account. He did not admit that the feeling was so extensive as was stated by the hon. Member for Cockermouth. He did not admit that it was universal, nay, even that it was general. He admitted that occurrences had taken place to which it had been impossible to apply the regular and systematic law of this country; but that was the inevitable consequence of parties settling themselves amongst a numerous savage race; and it was too much to turn round and say, that, having obtruded themselves into that country, and taken possession of lands, because the natives did not conform to their customs, therefore the white man was unprotected and sacrificed to the man of colour. The hon. Member then referred to letters which he stated were moved for by the Under Secretary of the Colonial Office. It so happened that the letters were not moved for by him, although he would willingly have moved for them. As to the hon. Member's complaint on this point, he must refer to what passed respecting Mr. Shortland. He was acting Governor at the time—the witnesses remarked most severely on his conduct—he was without the means of defending himself—when he returned he requested permission to put in his defence. Would the hon. Member, having made the attack, refuse to produce his defence? Mr. Bushby's letter related to the outrages at the Bay of Islands; but it gave no information but that which was derived from the public press. He now came to the letter of Mr. Coates; and for the hon. Member's satisfaction he might be permitted to state, that although it was alleged that the instructions issued by Lord Stanley on the 13th August were taken from Mr. Coates' letter, Lord Stanley's instructions were on board a vessel bound to New Zealand before Mr. Coates' letter was received. They went out in a ship belonging to a gentleman well known in New Zealand, named Earp. Mr. Coates' letter was received the day after the despatch had been sent off. He should have thought that a candid examination of the question would have rather led to this inference, that, when two persons writing with no sort of concert, with the same facts and circumstances before them, came to the same conclusion, and expressed themselves to the same effect, the presumption was that their conclusion was a correct one. He should not have been ashamed to have communicated with Mr. Coates, had there been any reason for so doing; but it so happened that he had held no communication with that Gentleman; he had no occasion to do so; and the coincidence between the letters was a coincidence arising from two persons commenting on the same state of facts, and coming to the same conclusion. The hon. Member then asked what steps had been taken to vindicate the honour of the country at the Bay of Islands? From the official accounts it appeared that troops had been sent from Sydney. The hon. Member stated that he meant to make a further Motion for the production of Papers; it was one of that series of Motions, which the hon. Member intended to make until he succeeded in exciting public feeling. When the hon. Member made this Motion he should be able to judge as to the production of the Papers asked for. The hon. Member further inquired into the remission of the owners' right of pre-emption of land sold by the natives. The course which had been taken had been this—the Governor's object was to ensure a certain fund for the revenue concurrently with the sale of land. The course pointed out by the noble Lord the Member for London was, that waste lands should be bought by the Government and resold. The natives, not unnaturally, discovered the prices at which lands were sold by Europeans, and therefore the noble Lord's instructions, which were originally the instructions of Lord Normanby, did not apply. The natives said if 20*s*. are to be got for land, why are we not to have it? They consequently refused to sell, except at such prices that the Government had not the means of raising the money to pay for it; therefore the noble Lord's plan failed altogether. The Government was without funds, and without the means of buying the land. The natives would not do that which Lord Normanby and Lord John Russell proposed—sell at a small price, that Government might sell at a large price. Captain Fitzroy adopted this course. He said you may sell to individuals, but those individuals shall pay 10*s*. an acre to Government, being half what would be the estimated price of Government land. Lord Stanley, under the peculiar circumstances of the case, sanctioned that course. Although the hon. Member had put a number of questions, an answer to which he might have obtained from the Papers, he did not know that there was any which he had omitted to answer, and he called on the hon. Member who had threatened an attack on the noble Lord, at once to make it, or to abandon the endeavour.

Mr. *Aglionby* said that the hon. Member had misunderstood and misquoted two of his expressions. What he said was, that the hon. Member and others took an extraordinary mode of making a matter known to the public through the medium of the Colonial Office. It was also said that he had threatened repeated Motions for Papers in order to hang discussions upon them. What he stated was, that he had prepared Notices of Motion, but withheld them because they applied to the Company's affairs exclusively, and therefore he did not wish to mix them up with other matters. He had said that as soon as he could, after the public business allowed him, he would put the Notice on the Paper.

Mr. *C. Buller* observed, that the hon. Under Secretary for the Colonies was exceedingly indignant about matters which were not before the House; and at the same time very indifferent with respect to the matter which actually was under the consideration of the House. He certainly considered it perfectly fair for any hon. Gentleman who had complaints to make on matters connected with the Colonies to bring forward his complaints in whatever manner he thought most suitable. The noble Secretary for the Colonies, it was said, had been annoyed by the comments upon his proceedings made by the press. It was by no means astonishing that the noble Lord should be annoyed at them. As some consolation, he might rest assured that full opportunity would be given to his hon. Deputy in that House to defend him, as best he might, on some future occasion. Gentlemen on his own side of the House would certainly not allow the Report of the Committee, and the evidence that had been given before it, to be passed over in silence. As to the question before the House, it seemed to him that it would be very odd if they were not to be allowed to bring it forward when the House and the country so much needed further information on the subject than was to be got out of the Papers before Parliament. These Papers presented no information upon several important occurrences which had taken place in the United States and elsewhere, of essential importance to the consideration of the subject. The hon. Secretary affected to be very indignant at what he characterised as the want of candour on the part of those who brought forward the Motion; but the want of candour rather appeared to exist on the Government side of the House. As to no fewer than five out of the six points upon which he had been interrogated, the hon. Gentleman professed entire ignorance; and as to the sixth he would not give the information which he admitted he possessed. Now was this a decent answer on the part of the Representative of a great Public Department, upon whose conduct the interests of so important a portion of the State depended? Was it decent, he would repeat, that when six clear and most important questions, affecting great interests, the welfare, the safety, of many thousands of our fellow subjects, were put to that Department, its Representative in that House should get up and coolly state that he was entirely ignorant of the subject; and, observe, these were no new matters —no subject that had never yet been touched upon—no topic which had never yet suggested inquiry or comment—very far from it. The information which the Government were called upon officially to speak to was printed in our country papers so far back as December last; yet here was the extraordinary spectacle presented to the House and to the public of a Public Officer, immediately concerned in the subject, coming forward, and coolly telling the House, that he had no information upon matters the details of which went the round of the newspapers here three months and a half ago. Did the hon. Member mean to say, that the information so given in the newspapers was wrong? If such were the case, it was his duty to state in what that information was wrong; otherwise, it was perfectly reasonable on the part of the public to take that information which had been before it uncontradicted for three months and a half, as the correct statement of the case. However, it was not his purpose to get into a controversy on this occasion with the hon. Member on this particular point, on which, in his opinion, the Colonial Office had exceedingly compromised itself. It was his object to call the attention of the House to more important questions, connected not merely with New Zealand, but with the government of our Colonies generally. The question of New Zealand was that of our Colonial Government at large; its history only a striking illustration of the entire ignorance of the whole subject of Colonial government, which pervaded the whole Colonial Administration abroad and at home. There were Gentlemen in the House who had been kind enough to lend him their attention when, two years ago, he brought before Parliament the question of systematic colonization; he had then, as he would now, expressed most emphatically his conviction that our Colonies might be rendered most valuable to the mother country; but no colonization could be beneficial while the affairs of our Colonies were administered in the manner in which they now were managed. In former days, when the people of England knew how to colonise—when they sent out those Colonies which were the origin of the greatness of the United States, the colonists whom they sent out carried with them their safeguard—their birthright—their right to representative government—their right to administer their own affairs—their right to tax themselves. This was the case with all our American Colonies—this the secret of their success. Look at Rhode Island, for instance; why, when that Colony did not count its population by hundreds, it enjoyed its representative Government. Since that time, we had introduced the system of governing our Colonies by despotic rule—we had deprived them of self-government—and a precious blunder we had made of it. What a Government was this of New Zealand! All its laws were made—all its taxes imposed—by a Governor nominated by the Crown, and a Council nominated by the Governor. How was that Council composed? Of the Attorney General for the Colony, the Solicitor General for the Colony, and the Colonial Secretary—three clearly dependent members, and three nominally independent members, the Governor having the casting vote; and the effect of this had been, that all the obnoxious measures had been regularly carried by the three Government nominees, with the Governor's casting vote. By way of extreme liberality, Governor Hobson tried the experiment of having a gentleman from Wellington, and placing him upon the Legislative Council; but as it turned out that this gentleman had an inconvenient knack of voting against the Governor's propositions, he one day received a communication from Governor Hobson informing him that he had issued a new commission, and that on looking over the names he found he had not placed him on the list—a very clear hint that his services were no longer required at the Council Board. Colonel Fitzroy, the new Governor, was less roundabout in his proceedings; for he wrote to a gentleman, telling him most distinctly that he held his situation at the Board merely at the will of the Governor; and that the Governor allowed no opposition to his will. There was no disguise about the matter; none at all; it was to all intents and purposes a perfect despotism; the Governor and his immediate nominees made their laws, issued their regulations, and if any of the nominally independent Members of the Council ventured to express a contrary opinion to that of the Governor, they were at once dismissed, and other more compliant tools put in their places. No question of the matter, our Crown Colonies were governed in the most arbitrary manner. He had no desire to run into any vulgar attack upon arbitrary governments, as such; it was no part of his present business; it was perfectly well known to all that, so far, there had been, and there were, despotic governments which administered well and wisely for the people; Prussia was a striking example of this; and some of our own most important dependencies were governed under a despotic system. There was the East Indies, for instance, where the system of government had been for years and years eminently despotic; but then the despotism was carried out upon a sound, and a just, and a well-based system, calculated to the circumstances of the case; there the despots set over the population, in various grades, were trained to their duties from the lowest to the highest ranks. They were all thoroughly educated to the task they had to perform. But what was our free despotic Government in New Zealand? Why, it had been carried on of late years by two captains and one lieutenant in the Navy. Now, he by no means intended to speak disrespectfully of the Navy; naval officers were exceedingly good men in their way; but men might be exceedingly efficient on board ship, and yet not be the best men in the world for the government of a Colony. He very much doubted whether the quarter deck was the best possible school of diplomacy; and, therefore, when he found an officer of the navy placed in such a position, and conducting himself with the greatest incompetency, he thought he had a full right to complain of the selection of such a man for such a post. He would put it to the House whether these charges had been brought against Captain Fitzroy on light grounds? He certainly thought, that when three clear cases had been brought forward of the grossest mismanagement on the part of that officer in a period of six months, this was sufficient to convince every candid and unprejudiced person that the officer so conducting himself was utterly incompetent to the responsible position which he had so improperly been placed in. Let him take a glaring instance. He was about to speak of a question of finance, in the presence of a great master of the currency question—of course he alluded to the right hon. Baronet at the head of the Government—and not to the right hon. Baronet at the head of the Home Department, who, though he had written about currency, was no authority on the subject; but he was speaking in the presence of the right hon. Member for Tamworth, a great practical authority. He had differed of late from the right hon. Gentleman, thinking he was carrying his hatred of paper money somewhat too far; but he would appeal to the right hon. Baronet, whether it were not astounding, that under the administration of a man supporting all kinds of the soundest views generally with reference to the currency, there should be a Governor of a Colony of Great Britain scattering assignats in every direction around him, for such they were, most completely; an absolutely inconvertible paper currency, which at this time of day was a perfect monstrosity. Here, in England, we had gone to the most inconvenient lengths for the purpose of returning to a gold currency; and even when paper money was more general, care had always been taken to limit the amount for which it should be issued. At one time that limit was 1*l.*; now it was 5*l.*; yet, in the teeth of all which the present Government had done, we found the Governor of New Zealand issuing a paper currency unheard of in the world's history, except in the memorable case of the shin plasters of the United States. They, indeed, went so low as 1*s*. 6*d*. Captain Fitzroy's currency was not quite so humble as that; but it was very little better, for his notes were for 5*s*. and 2*s*.—an inconvertible currency, which, inconvertible as it was, was forced upon the poorest of our fellow-subjects in the Colony, in payment of their wages. Imagine the effect of intelligence arriving in the Colony that the Government at home had declared that these notes should not pass current; for, be it remembered, that the whole of these debentures, to the extent of 15,000*l*., had been issued by the Governor in the face of 2,000*l*. worth of bills already dishonoured by the Government at home. Imagine the utter depreciation which, upon such intelligence, would involve the whole of these 5*s*. and 2*s*. notes. There would be some small speculating capitalist buying up the whole at 1*d*. or 2*d*. a-piece; and when the Government at home came at last to sanction its Governor's proceedings, as doubtless it would, we should have to pay 2*s*. and 5*s*. for that which had been bought up at 1*d*. and 2*d*. It was most scandalous, most monstrous, that a Governor of one of our Colonies should be thus permitted to trifle with the commonest principles which sound reason and common sense dictated and enforced at home. It was perfectly clear to him, that a man who did not understand that he ought not to issue 2*s*. notes or 5*s*. notes under any circumstances, was unfit for any place of the slightest responsibility —was not only an ignorant and incompetent man, but, moreover, a mischievous and dangerous man. One such proceeding as this was alone sufficient to condemn a public functionary, whatever other good qualities he might possess. Had Captain Fitzroy those other good qualities? Look at his system of taxation. There was nothing which required greater discretion and common sense than the taxation upon imports into a young Colony, where everything depends upon what is brought into it, and where, before you can raise commodities, you must for a time import the stock to raise them. What had Captain Fitzroy sagely done? Why, he put a tax of 10*s*. upon every sheep, and 1*l*. upon every head of cattle imported into the Colony. He could hardly have done worse than this had it been his full intention to ruin the Colony; yet, doubtless, his patrons at home would vindicate his conduct; and, at all events, smooth the affair off with saying, forsooth, that Captain Fitzroy had been actuated by the best possible intentions. Then, again, as to his precious Customs' regulations; never, certainly, since the time of the simpleton in Hierseles, who imagined you could draw water from the bottom of a tub without lessening the quantity of water at the top of the tub, had such a simpleton proceeding been heard of as that which Captain Fitzroy had been guilty of, under the extraordinary supposition that, by abolishing the Customs' duties at one of the ports of New Zealand, he should in no way lessen the Customs' duties at those ports where they were retained. In the Returns dated 7th March, 1845, the House would find, in the letter of Mr. W. O. Hector, an account of the outrages, under the influence of which the Governor adopted this most preposterous step; and he would read an extract from this Return, by way of illustrating the sort of outrages to which our fellow-subjects in the Colony were exposed, under the inefficient administration which now prevailed in New Zealand. After a detail of some gross violences, Mr. Hector stated:—

> "Messrs. Spicer, M'Carthy, and myself, accordingly called on Mr. Beckham (the magistrate), and after being detained a quarter of an hour outside his door, he made his appearance. When I informed him of the desire of the inhabitants to place themselves under his command, and requested him to appoint a place of meeting, he replied, we need not alarm ourselves as he had arranged everything, and that the police would do their duty. I then asked him how it was the police had permitted the depredations already committed? We received for answer, that we must submit to them until he had force sufficient to protect us. In reply, we stated that, if he would yield to the request of the inhabitants, he would find that there would be force sufficient to repel any further aggressions on the part of the natives; that it was not our ambition to commence an affray, but to show the natives that, although we had permitted them to proceed thus far, we were determined to put a stop to any further acts of violence; and that, if he (Mr. Beckham) did not choose to assemble the inhabitants, they would meet and appoint some person to act in his place. He told us that he would put us down by force. We informed him we had no wish to infringe the laws of our country, but that self-preservation was the first law of nature, and we would no longer quietly submit to the in-

vasion of our homes, have our wives insulted by the natives wilfully exposing their persons to them, our daughters' clothes pulled over their heads, and our property stolen; and that, if such were his intentions, we would oppose force to force, and he would then see who would gain the day."

The letter proceeded:—

"At the conclusion a portion was sent towards the flagstaff, to cut it down; the remaining, as a covering party, proceeding by another road to Waihihi, both roads meeting in one after passing the flagstaff. Parties of natives were stationed on the tops of the different hills as outposts. Mr. Beckham was, during this time, standing within 100 yards of the Custom-house. Mr. Potter and I followed the natives to the flagstaff, and asked them why they wished to cut it down; some said, there had been no payment given for the land; others, that it prevented the ships from coming in. On our arrival, the natives proceeded to work, and I saw the honour of my country laid low, without any attempt to prevent it. The ropes the natives took, and the staff and yard were cut into pieces. A demand was made for fire, and Mr. Tapper went to his house and got some. When the whole was over and the natives gone, Mr. Beckham and a few of the inhabitants arrived. The natives met on an opposite hill, commenced a war-dance, discharged their muskets, retired to their canoes, and left for the other shore."

Upon intelligence of these outrages being conveyed to the Governor, he sent to Sydney for forces, thereby throwing that part of the Colony also into excitement and dismay. Having obtained thence a force of 150 men, he marched with them to the spot where the aggressions took place, and then marched them away again, upon the natives telling him he had better do so. Next, in order to conciliate the natives of that particular quarter, the Governor abolished the Customs' duties at Auckland, leaving the Customs' duties at the other ports just as they were. What would the people of this country say if Government, by reason of some outrage committed at Bristol, were to seek to conciliate the men of Bristol by abolishing the Custom-house there, leaving those of Liverpool, of London, and all the other ports, just as they were; and thus effectually sending every article of commerce from them all to the favoured port? Would the people of this country tolerate so preposterous an outrage upon common sense and justice? Would the Government for a moment hear of it? Then why do that in New Zealand, the mere suggestion of which would be utterly scouted here? The Duke of Buckingham, or some other great agricultural light, somewhere or other, the other day, made use of an odd phrase, but, unlike most of what fell from the leading agricultural Dukes, pregnant with meaning. He was complaining of the right hon. Baronet at the head of the Government, and of the Queen's Speech, and making a great lamentation that neither the one nor the other had made any mention of agricultural distress; "they treated us so badly," said the noble Duke, "they treat us no better than if we were a Colony." This was how the Lords and Gentlemen of Parliament spoke of our Colonies: as the most forcible illustration of the lowest depth of indifference, it was said, you neglect us as though we were a Colony. The hon. Gentleman had touched very lightly indeed on the subject of the proclamation about land. From the mode in which he treated the point, it really seemed as though there were no grievance about it at all; yet a grievance there was of a most serious character. By the 5th and 6th Victoria, it was enacted that no waste lands in the Australian Colonies should be sold for a less price than 1*l.* per acre. The question was asked, can lands held by natives, and sold by them, be considered as waste lands? He thought there could be no doubt of this upon the mind of any person who had read the 23rd section of the Act. Yet the very protection which the Act extended to the natives the Governor had chosen to take away, by setting aside the right of pre-emption in the Crown, a right which the Crown had always asserted in these Colonies, and most justly and humanely; for, by reserving to itself the right of making the purchase in the first instance from the natives, it prevented their ignorance and simplicity from being imposed upon by unprincipled speculators. This was the rule acted upon in the United States, as derived from this country; and acting upon this rule, and under the Act of Parliament, the Government were called upon to take care that no land was purchased for less than 1*l.* That was the upset price; yet here came the Government's Governor, Captain Fitzroy, and by a single stroke of his pen altered the price at which land should be sold, and throws all the common lands into the hands of land jobbers, at not 20*s.*, but 10*s.* With the most ordinary attention on the part of a Home Government desirous of acting justly this could not have been done; yet the hon. Gentleman, after the facts had been published throughout the country by the newspapers for the last three months and a half, came forward and said he knew nothing about the matter. Reference had been made to the Wairau massacre. He could hardly restain his feelings when his thoughts recurred to that horrible scene. He knew and most deeply valued one of the victims — Captain Wakefield — than whom no British officer of our times gave greater promise of doing honour to his country. That such a man should have perished in such a way, under such circumstances, the result of such gross mismanagement and inefficiency on the part of those who were most preposterously set over him, was perfectly unendurable; and almost equally unendurable was it that such a man as Captain Fitzroy should be seen taking advantage of his death to attach discredit to his memory. He would not go into a history of that deplorable event now. It originated in a dispute about land, the sale of which, on the part of the natives, the Home Secretary might, perhaps, need to be told the Commissioner for Crown lands had decided to have been irregular. The colonists, however, at the time thought they had a right to the property, and they went to the spot to survey it. The natives came down and drove them off, and burnt some huts, whereupon the magistrate at Nelson issued warrants for the apprehension of the two chiefs Rauperaha and Rangahaeta on a charge of arson, in reference to which matter the Colonial authorities had laid down some law which would hardly be countenanced by the Attorney General or Solicitor General at home. Mr. Thompson, who was sent with others to execute these warrants, was altogether misled as to the character of those with whom he had to deal; for the manners of the natives about Nelson, who were few and not warlike, were by no means a test of those whom Mr. Thompson was proceeding amongst, a fierce and savage tribe. A conflict took place, and the massacre of Wairau followed. The Governor might have said, You may now retire to your homes; but the first act which was done was to declare the meetings held in self-defence illegal, and to threaten to cut down those who held them. When Captain Fitzroy went to Wellington, after the proceedings which he had alluded to, he took part with the natives against the white people, and from thence he went to Nelson, where a warrant was issued for the apprehension of the murderer Rauperaha. Nelson was a town with six magistrates, and here he would remark, that it was rare, in so small a community as that, containing only 2,000 inhabitants, to find no less than six gentlemen of character and property fit to hold the Commission of the Peace. He could not understand why it was that a gentleman like Captain Fitzroy felt himself, when he went to a distant Colony like that, as Governor, relieved from the responsibilities and decencies which usually characterize the intercourse between one gentleman and another; an example of which was afforded by his conduct towards a gentleman in New Zealand named Dillon—a gentleman of high character and honour. Captain Fitzroy taxed Mr. Dillon with writing in a newspaper; and Mr. Dillon stated, upon being so taxed, that he had never done so in his life. What was the answer of Captain Fitzroy to Mr. Dillon, when he denied having so written? He said that the statement of Mr. Dillon was not true. It might be said that these were paltry matters. They were not, however, paltry matters; and it was not because Captain Fitzroy was Governor of New Zealand, that he was to insult every gentleman who came under his authority. It was not a paltry matter to show those who employed Captain Fitzroy how completely he mismanaged the proceedings arising from the Wairau affair, and to prove that, without any necessity, and in the most delicate point, he had wounded the feelings and susceptibilities of the Europeans who were residing there. They found the large expenditure in the Colony of 36,000*l.* per annum among a population of 14,000 persons—that was, two and a half times the expenditure of Great Britain; so that they had 14,000 persons in New Zealand governed at an expense of 36,000*l.* annually; whilst in Prince Edward's Island, with a population of 47,000 persons, the expenditure was only 12,000*l.*; but then Prince Edward's Island had a representative Government. Captain Fitzroy found a great expenditure in New Zealand; and he stated when he arrived that the greatest calamity which a good Governor ought to avoid, was subjecting the officers of the Government to a decrease of their salaries; and, accordingly, he laid a tax upon stock—upon the importation of cattle — upon three-roomed houses—upon sheep dogs, and issued three and five shillings assignats, for the purpose of paying the workmen their wages; but in addition to that he gave the finances of the island the advantage of abolishing the Custom-house in one port out of three or four, in order that he might equitably and efficiently collect the revenue. Why did he mention this? It was not to hold up Captain Fitzroy as a monster, for the execration of that House; it was not for the purpose of impeaching him; but it was in order that the House of Commons might be able to estimate him at what he was worth, merely as a very foolish and incompetent man. Why, he would ask, did the Government entrust a population of 14,000 persons in New Zealand to the incompetence of such a man? He did not wish to dwell on the folly of his conduct—he was not disposed to be hard on human infirmities, or to blame him for any deficiency of intellect; but he could not avoid saying, that a man who evinced such infirmities, and who displayed such a deficiency of intellect, ought not to be sent to a distant Colony as a Governor; and if employed at all it should be at home, where the proper steps might be taken immediately after the first act which indicated such an infirmity or deficiency of intellect. He wished to show the importance of not sending such a Governor to a Colony where his instant recall was not possible. He did not mention those circumstances with a view to any punishment, even though it might be merited, or with a design of warning other Governors, even though that might be required; but he did it solely for the safety of the Colony, which could not be safe for an hour under the influence of such utter incompetence as that of its present Governor. The course which he (Mr. Buller) took was necessary, as they would admit, when they recollected that the information with respect to the debentures was before the country for three months and a half without any step having been taken on the subject. Really the Government, after hearing of the conduct of the Governor, ought to send out a keeper for Captain Fitzroy and his successor in the same ship, for he was not fit to hold the important trust which had been confided to him a moment after the issue of the debentures, and he ought to have been recalled at the very instant when intelligence of the issue of those debentures reached this country. He trusted that he had not detained the House too long on this subject, and he hoped that, if they did not think the grievances of New Zealand beneath their notice, they would come forward with an expression of opinion that would act on the Government in such a way as effectually to prevent the Colony from being any longer subject to the recurrence of such mischiefs as those which had been described.

Colonel *Rice Trevor* said, that the hon. Member for Cockermouth had stated certain complaints against the Colonial Office—with those he had nothing to do, the hon. Gentleman had also complained that the welfare of the Colony of New Zealand was affected by the conduct of the officer who now administered the government of that island, and added that the Governor had managed to make himself disliked by every portion of the colonists. He had no objection to any Gentleman in that House making any observations which he thought proper, for the public advantage, on the conduct of any public servant of the Crown; but when the hon. Gentleman opposite stated that he would not go into the whole question, yet went far enough into it to convey an imputation, without making any direct accusation, he thought it rather hard. As the matter was to be brought forward at a future time, when the whole subject would be before the House, it would have been better if the discussion of it had been postponed until that occasion, when they should have all the details before them, than that it should have been brought forward in the unsatisfactory manner which it had been to-night. With respect to the lamentable affair at Wairau, an event it was impossible to read or hear of without pain, it had been stated by the hon. Member opposite that Captain Fitzroy had been satisfied with hearing the statements of those natives who had been engaged in the attack, and that, without further inquiry, he formed his conclusion on that evidence. This was not so; he first heard the Europeans, and then the natives, and then he formed and declared his judgment. It was not a little singular, however, with respect to that circumstance, that Captain Fitzroy, who had an opportunity of examining the case upon the spot, had come to the same decision as Lord Stanley upon that subject, after a perusal of the despatches from New Zealand. That appeared to him to be a very striking illustration of the correctness of the conclusion to which Captain Fitzroy had come, namely, that two parties, separated by so great a distance, one having an opportunity of inquiring on the spot, and the other forming his opinion from the despatches, should so perfectly coincide in their conclusion with respect to the affair at Wairau. But the opinion of Captain Fitzroy was more fully borne out by the statement of the hon. Member for Liskeard, who said that the issuing of the warrant was illegal. [Mr. *Buller:* I said imprudent and injudicious.] He would not put his opinion on a question of law in competition with that of the hon. and learned Member for Liskeard; but a legal authority in the Colonies had stated as his opinion that the whole transaction was illegal. Perhaps, however, it would be better to leave that part of the subject to those who understood legal matters better, and he should not, therefore, dwell further upon it. He should not have risen to take any part in this discussion, if it had not been for the extraordinary, the unfit, and unbecoming language which had been used by the hon. Member for Liskeard, in alluding to the actions, dealings, and intercourse of Captain Fitzroy with the colonists in New Zealand; and that language appeared still more extraordinary when they recollected that Captain Fitzroy was engaged, at the time that those circumstances occurred, in endeavouring to serve the Government and his country, and in devoting every energy of his mind to the benefit of the colonists. It was a little hard that, at this distance from New Zealand, so far removed that a period of five months would elapse before intelligence of the charges which had been made against him could arrive in the Colony, and it would be five or six months more before his defence could reach this country—it was, he repeated, a little hard, under these circumstances, that the hon. Member for Liskeard should have spoken of Captain Fitzroy as he had, which was certainly in no measured terms, and when he was in such a position that no voice could be raised in his behalf until the House met again in the ensuing year. The hon. Member who made these charges against Captain Fitzroy must have been perfectly aware that a portion of the information to which the hon. Member referred was information which the Government had not as yet received; and therefore it was impossible fully to answer that portion of the charges. With respect to the debentures, the Government had as yet obtained only partial information, and so far he had stated how the case stood as related to the public conduct of Captain Fitzroy; and he was not aware of the arrival of any private accounts of a recent date from him which could add much to that information, which was caused, perhaps, by his constant occupation in New Zealand. It was therefore impossible to go fully into the defence of Captain Fitzroy without further information, as it had not been afforded either to the Government or to any Member of his family; and he deeply regretted that he had been unable to do full justice to the conduct and character of Captain Fitzroy. He gave the hon. Member for Liskeard credit for the natural feeling which he had evinced in noticing the unfortunate end of a gallant Officer; and he hoped he would recollect how hard a task was imposed upon the friend of an absent man in endeavouring to defend him without the possession of that full information which was required, in order that such a defence might be complete. He, as an Englishman, must always regret that the lives of men who might have been so usefully employed in the Colony, had been sacrificed in the manner and under the lamentable circumstances which had been referred to.

Colonel *Wood* rose to protest against two epithets which the hon. Member for Liskeard had applied to Captain Fitzroy, who was a distant connexion of his (Colonel Wood's), and he was sure that, on reflection, the hon. Member would not apply to a brave and gallant officer the words "foolish and incompetent." He (Colonel Wood) could make allowances for the excitement of a debate; but he was sure that on reflection the hon. Member for Liskeard would not persist in applying the words "foolish and incompetent" to a brave officer, at least without hearing all the circumstances. He trusted that the House would give him leave to say that Captain Fitzroy had been engaged in the service of his country for a considerable portion of his life, and that he had been five years absent on a dangerous survey of the coast of South America, and that he had brought his little vessel, at great pecuniary cost to himself, round the world, and had conducted the survey with great skill and professional ability. During that voyage, he touched at the Colony of which he is at present the Governor, and he relinquished valuable situations in order to fill the office to which he was appointed, he (Colonel Wood) believed, at the solicitation of the New Zealand Company. ["No, no."] At all events, he was solicited to accept the appointment by the Colonial Secretary. He went out to New Zealand to perform a most arduous duty; and in his absence, he (Colonel Wood) protested against those epithets which had been applied to him by the hon. Member for Liskeard, at least until the House had all the circumstances fairly before them. Those epithets ought not to have been applied on no other authority than newspaper paragraphs, which might be right, or which might be wrong; but his belief was, that when the whole transactions were investigated, Captain Fitzroy would be able completely to establish his defence.

Sir *W. James* had no intention of taking a part in the discussion, but he felt it his duty to make an observation upon the indecorous language which had been applied to Captain Fitzroy, a near relation of his. The hon. Member for Liskeard ought to recollect that Captain Fitzroy was absent; and all the House would recollect that the charges which were made against him were made upon imperfect information. The hon. Gentleman opposite began his speech by an important admission, namely, that nine-tenths of all the information which had been brought forward in support of those charges had been obtained from newspapers. He (Sir W. James) therefore hoped, that when the speech of the hon. Member for Liskeard went forth to the public, it would go forth with this additional fact — that it was made upon newspaper information, and was a newspaper speech. Some of the expressions which had been used in reference to Captain Fitzroy were of a most extraordinary character. What did the hon. Member for Liskeard mean, by saying that Captain Fitzroy got rid of all the decencies and courtesies of life? Would the hon. Member aver that if Captain Fitzroy were present? Would the hon. Member bring forward any one fact to bear out that statement? The only thing which had been brought forward as a support of that charge was, a statement that he told a gentleman that a certain statement he made was not true. He admitted, certainly, if the gentleman to whom this was said was a respectable person, that it might be considered somewhat harsh language; but then, perhaps, Captain Fitzroy had good grounds for his observation. But he hardly thought the hon. Member meant seriously to bring forward such a circumstance, in order to vindicate his assertion that Captain Fitzroy had done what was unworthy an officer and a gentleman; nor would the hon. Member for Liskeard increase his own character or reputation unless he was prepared to prove what he had stated relative to his gallant relative's conduct to be correct in every particular. Then, what could be more offensive than the language in which the hon. Member had expressed himself—saying, that the Government ought to send out a keeper for Captain Fitzroy, and a successor to his governorship? The hon. Member had shown a very good feeling when dwelling on one part of his case, and he sincerely sympathized in the sentiments which he had expressed towards his gallant friend, Captain Wakefield; and if he had not used language indefensibly strong and unguarded in speaking of Captain Fitzroy, he should not have felt called upon to address the House on the subject. The hon. Member must see the necessity for retracting the language he had used; for to say that his gallant relative had acted in a manner unbecoming a gentleman and an officer, was to speak in terms much too strong, except upon very different grounds to those upon which he had charged Captain Fitzroy. He therefore hoped the hon. Member was prepared to justify his strong expressions by facts equally strong, or else that he would withdraw his language. With respect to the unhappy massacre at Wairau, there was an expression which fell from the hon. Member which demanded an observation. The hon. Member had referred to Captain Fitzroy's having taken part with the natives in the sequel of the unhappy affray which had taken place. He could well conceive that a person of Captain Fitzroy's chivalric temperament, on arriving at his Government, and finding there existed a hostile feeling both on the part of the natives and of the English settlers, would take part with the weakest, and would look with charity on their unprotected and defenceless state. He had styled his gallant relative chivalrous, and he could well justify what he had called him. He knew that gallant officer; and if ever there was a man of chivalrous generosity and high-toned feeling—if ever there was a man characterized by his regard for truth, for integrity, and the best qualities of social life—he would not there speak of his judgment, for every individual was liable to errors in judgment—but if ever there was any one on whom he could lay his fingers as remarkable for public worth and private virtue, it was Captain Fitzroy.

Sir *C. Napier* said, that nothing could be more amiable in a Member who was the relative of a gallant officer serving abroad, than to get up and defend that officer when any charge was made against him. The gallant Colonel who had preceded the hon. Baronet who had just sat down, had proved Captain Fitzroy to have been engaged on an important survey, and had shown that he was a good surveyor; but a man might be a good nautical surveyor, and yet make a precious bad Governor. He thought the Government had committed a great mistake in sending out Captain Fitzroy as Governor to New Zealand, for he was better calculated to fill the office of Chancellor of the Exchequer. His plan to pay the National Debt with debentures entitled him, at least, to be kept at home, to assist the Chancellor, if he were not appointed to that office. He could bear his testimony to the merits of the unfortunate Captain Wakefield, than whom there was not a better or more gallant officer in the service. He regretted his untimely end; and he also regretted that, instead of shaking hands with his murderer, they had not executed him.

An hon. *Member* could bear testimony to the high integrity and amiable qualities of Captain Fitzroy; but he said that, from the information derived from private letters, he was afraid the conduct of the gallant officer had not been all that his friends could wish. He was nearly related to Mr. Dillon, whose name had been mentioned by the hon. Member for Liskeard; and he was enabled to say, from the information which he had received, that the conduct of Captain Fitzroy to Mr. Dillon had been, he would not say ungentlemanlike, but it was not of that character which is generally adopted between gentlemen. It was quite true that Captain Fitzroy said he would not believe the statement of Mr. Dillon, to the effect that he did not write letters in a newspaper.

Sir *R. Peel* said, it was much to be regretted that the hon. Gentleman who seconded the Motion had not followed the example set him by his predecessor, and contented himself with some observations on the subject-matter of that Motion. No opposition would have been offered to it, with the exception of a slight alteration in its terms, for his noble Friend the Secretary for the Colonies was perfectly ready to afford all the information in his power. But if hon. Members were prepared to call Captain Fitzroy's acts as Governor of New Zealand into question, then he thought it would have been but fair to have postponed that discussion until all the Papers and the necessary information were in the hands of the Government. But he thought it an injustice to his noble Friend (Lord Stanley) as well as to Captain Fitzroy, for hon. Members to indulge in such comments as had been made on the present occasion. The hon. Member for Liskeard had said that the heads of the Colonial Department had shown great ignorance of what was passing in New Zealand; for that he had known three months ago facts which it was admitted had not yet reached the knowledge of Government, and that Captain Fitzroy had used language and committed actions which rendered it the duty of Government to send out a keeper to take charge of him, and a successor to replace him as Governor of the Colony. Now, with respect to sending out a successor to Captain Fitzroy, the hon. Member had certainly a perfect right to express his sentiments on that subject; but nothing could justify him in his observation that a keeper ought to be sent out to take charge of Captain Fitzroy. Now, what were the facts? True it was, that his noble Friend had not yet received official information of the circumstances and occurrences to which the hon. Member had referred. With respect to one class of occurrences at New Zealand, the noble Lord the Secretary for the Colonies had stated to him that Captain Fitzroy certainly had omitted to send home a particular account of them for the information of Government; but it was suggested, and thought probable, that this omission only arose out of the numerous and pressing calls upon the Governor's time and attention; and that might turn out to be a sufficient excuse. It might happen that both the omission and the occurrences themselves were unjustifiable; but did hon. Members mean to say that it was right to proceed at once to extremity, as called for against Captain Fitzroy by the hon. Member for Liskeard, upon mere newspaper information alone? Such information on the subject as Government possessed, or as had reached the Colonial Office, would be cheerfully granted; but his noble Friend was quite right in postponing all judgment on the circumstances until Captain Fitzroy had had an opportunity of explaining them. The hon. Member for Liskeard had asked him what he (Sir R. Peel) thought of the issue of inconvertible paper. All he could say was, that he could not give any opinion upon the subject until he knew all the facts; but at the same time he was ready to admit the circumstance was one which required very serious inquiry and consideration. But that was a very different thing from giving an entire credence to newspaper statements, and from proceeding to recall an officer, such as Captain Fitzroy, upon such grounds. [Mr. *C. Buller:* Have you not the ordinance respecting the paper?] The ordinance had not been sent home, although some extracts from it had reached the Colonial Office, and therefore the observations of the hon. Member as to his noble Friend's ignorance of what was passing in his Department were unwarranted by the facts. Then again, with respect to the debentures, he was ready to admit that there was no act of Captain Fitzroy's which he was less prepared to approve of. His noble Friend, however, had no official information on that subject; he had official cognizance of Captain Fitzroy having formerly issued certain debentures which were called convertible; and his noble Friend had disapproved of the issue even of these convertible debentures. But then again, the hon. Member disapproved of his noble Friend for having looked to the quarter-deck for a person to fill the situation of Governor of a Colony; and he had stated his opinion that a person selected from such a place was likely to prove incompetent to fill a civil governorship. He was not prepared to acquiesce in such an opinion. He was not ready by any assent on his part to establish such a distinction as the hon. Member wished to make with respect to naval officers filling civil posts. He was not addressing himself to Captain Fitzroy's particular case; but he was speaking generally of such appointments, and he was referring especially to the hon. Member's expression, "That the quarter-deck was a bad school for Governors of Colonies." [Mr. *C. Buller* did not mean to imply that the naval service disqualified a man from filling a Colonial governorship.] No; the hon. Member did not say that the naval service was a formal disqualification for such a post, but he intimated his opinion that such generally was the fact; his own experience authorised him to say that he had seen more than one instance in which a naval officer had discharged the functions of civil governor with signal success and advantage to his country. The hon. Member also said that the noble Lord at the head of the Colonial Office ought to recall Captain Fitzroy. Now, that was not the opinion of the New Zealand Company. ["No."] Whatever was the opinion at present, the noble Lord had appointed Captain Fitzroy; and the New Zealand Company had then said he was a person well calculated to promote the prosperity of an infant Colony. Why, what was the noble Lord's object in appointing Captain Fitzroy but to promote the welfare of the Colony? It was not a very easy matter to get a good governor for a distant settlement; nor was it so very easy to find distinguished men who were willing and qualified to fill such responsible posts. One offered himself in the person of Captain Fitzroy, who was a distinguished officer, and who was ready to sacrifice his personal interests, as the gallant officer who had spoken had admitted. Captain Fitzroy was known for his humanity, his intelligence, his integrity; he was willing to serve his country in a distant Colony; and the New Zealand Company on his appointment did not entertain a different opinion of him from that of the noble Lord the Colonial Secretary. What were the sentiments expressed in the letter addressed by Mr. Ward, the Secretary of the New Zealand Company, to Colonel Wakefield, dated the 13th of May, 1843? The Company by their Secretary therein stated,—

> "The spirit which Lord Stanley has manifested, showing that he is prepared to afford cordial countenance and assistance to the endeavours of the Company to execute to the greatest possible extent the public functions intrusted to them by their charter, is quite as gratifying to the Court as the letter of the actual arrangement."

[Considerable dissent on the Opposition benches.] What! was not that the letter of the New Zealand Company? Well; but with respect to Captain Fitzroy's appointment, the New Zealand Company abstained from all comments on the noble Lord's conduct towards the Colony, except in so far as the choice of a Governor was concerned; and, although for months he had been threatened with an attack, they had contented themselves on that night with attacking Captain Fitzroy, and therefore it was that he was proving from their own recorded sentiments that they approved of the appointment of Captain Fitzroy quite as strongly as the noble Lord. The only question which he was dealing with at present was, whether his noble Friend were not justified in having appointed Captain Fitzroy, and whether, also, he were not applauded and thanked for having done so by those who now blamed him, and demanded the recall of that officer. He would proceed with the letter to which he had referred:—"Nor are they less pleased with the appointment of Captain R. Fitzroy, R.N., to be Governor of the Colony." Why, with what pretence could the writers of such a letter as that now turn round and speak of the appointment as they had done? But the discreet and prudent men who thus wrote were not disposed to go merely upon the general report of Captain Fitzroy's personal character and qualifications. They sought a personal interview with him, and they then, after having heard him explain his views, wrote in the following terms to Colonel Wakefield:—

> "Their communications with that distinguished officer have assured them that his views of colonization are sound and enlarged, and that he will enter upon the discharge of his duties altogether free from any partial preference for any particular locality, or for any particular section of the general body of Her Majesty's subjects whom he has been appointed to govern. The high position in this country which he has voluntarily abandoned, in order to undertake the administration of the rising Colony of New Zealand, places it beyond question that he could have been actuated in such a step only by a sense of public duty, and by a benevolent desire of becoming an instrument of good, both to the British colonists and the natives of New Zealand. All these circumstances combine to give the Directors the most entire confidence, that they shall henceforward be able to carry out the great purposes of the Company's incorporation with a vigour and success commensurate with their importance."

That was the opinion then formally registered by the New Zealand Company with respect to the propriety of Captain Fitzroy's appointment; and therefore, whatever the hon. Member for Liskeard might say with respect to the disqualification of quarter-deck officers, he must affirm that he thought the letter which he had just read from a public body like the New Zealand Company was the best answer that could be given to his remarks of that evening, and formed a full acquittal of his noble Friend the Colonial Secretary. Now, he believed the New Zealand Company only did justice to Captain Fitzroy; and he must express his belief, moreover, that in relinquishing a good civil appointment and a seat in that House, and in going out to New Zealand, upon an inadequate salary, to take upon himself the charge of that Colony, that officer was only actuated by a sincere desire to do good to his country and his fellow-creatures. Well, then, if such were the case, before such a man were condemned—and condemned, too, whilst absent in a distant Colony, was he (Sir R. Peel) not justified in asking them to wait and hear what he had to allege in his defence? He did think that such an act of fairness was absolutely called for. He could make allowances for the hon. Member's feelings. He knew how sincerely he deplored, how much he had reason to regret, the loss of his gallant and lamented Friend. But at the same time the hon. Member must not feel surprised at the warmth with which Captain Fitzroy's friends had stood forward to defend and uphold his character. They certainly had not to deplore his loss, as the hon. Member had too much reason to deplore the loss of Captain Wakefield; but they had quite as much respect for his character as the hon. Member had for that of the friend he had lost; and the honour and reputation of their absent friend and connexion were as dear to them as the memory of Captain Wakefield was to the hon. Member. The hon. Member must not therefore be surprised at the warmth with which Captain Fitzroy had been vindicated in all that regarded his personal honour and character. His friends did not seek to vindicate the acts done by him in his official capacity, nor did they deny the right of the hon. Member to question the propriety of continuing him in his government—all they required was, that a fair delay should be granted, in order that full information on all the points questioned might be obtained; and he (Sir R. Peel) must say that it was only consistent with justice to await Captain Fitzroy's explanation. If it should turn out to be the fact that the non-transmission of the documents required for this purpose resulted from accident, then he was sure the hon. Member would regret having spoken so severely of the noble Lord's being ignorant of matters which had appeared in the public journals. If the omission arose from pressure of other more important business, then the same regret would no doubt be felt on behalf of Captain Fitzroy. But, however the facts of that part of the case might ultimately prove to be, there could be no doubt whatever that any judgment at the present time would be premature, imperfect, and consequently unjust. He must say, that his duty to a Colleague who had been unjustly condemned, had induced him to read the correspondence, and to make himself master of the subject as far as he could from the Papers; and he hoped the hon. Gentleman would not delay in bringing under the consideration of the House what every one had expected would be the first subject of discussion—the relation between the affairs of New Zealand and the Colonial Office. When that discussion should take place, he should be prepared to take his part in it, and to vindicate his noble Friend; and he thought that in common justice the hon. Gentleman would feel it his duty to bring forward that Motion, should he determine to persevere in it, at the earliest possible period. The conduct of Captain Fitzroy was quite distinct from the consideration of the Report of the Committee of last year; and the hon. Gentleman would be as competent now to consider the propriety of the course taken by his noble Friend subsequent to the Report of that Committee, and to say whether he had taken a just and prudent course, as he would be six weeks hence. The conduct of Captain Fitzroy might show that his noble Friend had made an unwise choice; but this was a very different question from that raised by the Report of the Committee of last year. His noble Friend had laid upon the Table all the despatches, and did not shrink from any inquiry. He would not say anything to anticipate that discussion; but the period had arrived when if the hon. Gentleman still contemplated his Motion, he ought to bring it forward and enable those who represented his noble Friend in that House to vindicate his noble Friend from the accusation that might be brought against him.

Viscount *Howick* said, in consequence of what had fallen from the right hon. Gentleman, it was clear that at no distant period the whole subject of the conduct pursued with respect to New Zealand, both by the Government at home and by Captain Fitzroy, would be brought before the House, and that in a form which would enable the House to pronounce a judgment for themselves. He should, therefore, wait till that period had arrived, and not enter now into the subject. He would not, therefore, have risen if it were not that the right hon. Gentleman had complained, without any adequate cause, of some expressions which had fallen from his hon. and learned Friend who had lately spoken in this debate. He had complained that the expression used in reference to Captain Fitzroy was that a keeper and a successor ought to have been sent out fo him. The right hon. Gentleman was rather hard on his hon. and learned Friend. His hon. and learned Friend had used strong language certainly, but not stronger than the occasion deserved. The speech of his hon. and learned Friend was not less distinguished by moderation and temper than by ability; and in the whole course of it he had not said one word, as far as he (Lord Howick) had heard, imputing any blame to the motives of Captain Fitzroy. What he had condemned was, the judgment of that officer as shown by him in the exercise of the government of the Colony; and in his opinion, his hon. Friend could not have condemned that judgment too strongly—he could not have used expressions too strongly condemnatory of the utter want of judgment and discretion shown by Captain Fitzroy in the conduct of the affairs of New Zealand. To the expressions of his hon. and learned Friend, taken in that sense, he could see no real ground of objection. He entirely concurred in the opinion of his hon. and learned Friend relative to the conduct of Captain Fitzroy, as far as that conduct was known. The right hon. Gentleman, indeed, had told them that they ought not to condemn Captain Fitzroy unheard, and that they had had those things from newspaper reports. He admitted that in many cases a newspaper report was not an adequate ground for proceeding; but he thought the case was somewhat altered when what they had in the newspaper was not the effect of rumour—not even a statement by the editors of what they believed to be the fact, but a report of the proceedings of the Legislative Assembly of the Colony, containing Captain

Fitzroy's own speeches, and referring to Captain Fitzroy's own proclamation and legislative measures. When they had such grounds for forming a judgment, he did not think any serious error could be fallen into on the matter. Further, he would say, with a government so distant, with the lives and fortunes of so many of our fellow-subjects at stake, he did think, in a case of that kind, the mere fact of not having taken care that the Government should be adequately informed of what was going on, constituted a very serious fault on the part of Colonel Fitzroy. Why could he not have taken care that the despatches, or duplicates of them, should have come home with the same vessel that brought the newspapers? He could see no possible justification for Captain Fitzroy having neglected to send them home. What his hon. and learned Friend suggested to the House was, that they ought to pronounce a positive condemnation of Captain Fitzroy's conduct so far as was necessary for the protection of the colonists. It was not the character and feelings of that officer that were alone to be considered. It was to be considered that the welfare and lives of 14,000 or 15,000 of our fellow-subjects were now in the utmost peril from the utter disorganization of the government there. Looking to the nature of the accounts which for three or four months had been brought home from the Colony, he had learned with great astonishment that evening that the Government had not already some time ago sent out some gentlemen on whose judgment they could rely to relieve Captain Fitzroy from his duties as Governor. He did not hesitate to say that his opinion was, that that course ought to have been taken. But he had already gone farther than he had intended. He had wished carefully to have abstained from entering into the question of the policy pursued towards the Colony of New Zealand. That was a question of the utmost importance, and he hoped that it would not be long after the Easter recess when it would be brought before the House.

Mr. *Mangles* said, it would be great presumption in him to attempt to answer any statement or speech made by the right hon. Gentleman opposite; but he had a strong reliance on the justice of the case and on the justice of the House, and with their kind indulgence, therefore, he would address them on the subject now under discussion. They had heard from various quarters, and no doubt arising from the most amiable motives, three defences of the conduct of Captain Fitzroy; and they had heard also his conduct defended by the right hon. Baronet opposite (Sir R. Peel). [" No, no."] Well, he could understand and respect the motives which actuated the relatives of that officer in their defence of him. He had had the honour of a slight acquaintance with Captain Fitzroy, and a more amiable and excellent person he had never met with; and he believed that for the purpose of undertaking the government of the Colony he had given up lucrative situations in this country. He admitted with the hon. Member for Hull (Sir W. James) that it was unjust to attack a man who was at a great distance; and he should not, therefore, do so. But the right hon. Baronet had dwelt in rather a triumphant tone on the letter of the New Zealand Company approving of the appointment of Captain Fitzroy. The fact was that New Zealand had been so infamously governed, that any change was hailed as certain to be for the better; and moreover, when that letter was written, the Company were in a state of gross deception as to the conduct of the Colonial Office, believing, as they did at the time, that Captain Fitzroy was going to New Zealand to carry out the agreement they had entered into with Lord Stanley as a substitute for the more favourable agreement they had made with the noble Lord the Member for London (Lord J. Russell), which they had accepted under the iron foot of the Colonial Office, because they could not help themselves—because they knew that 10,000 gallant men who had gone out to New Zealand under their auspices were not able to get one single acre of land from the Crown. Having accepted the agreement of Lord Stanley, they did not know that Captain Fitzroy had at the time a letter of instructions in his pocket explaining away that agreement. That letter had not been seen by the Company till many months after Captain Fitzroy had left this country. A deputation of the Directors of the Company had had a personal interview with Captain Fitzroy, in utter ignorance that such a letter was in existence. Had they known of its existence they would have thrown up the whole concern—have sacrificed all the money they had spent, and have said, " Do your worst; we'll trust the Colonial Office no more." He wished particularly to draw the attention of the House to the nature of contracts entered into between the Crown and an individual or public company. According to the laws of this country neither an individual or company, in the case of such a contract, could sue the Crown to compel the fulfilment of the engagement so entered into. In India Lord Cornwallis, in the year 1793, had placed the Government and the subject upon a perfect equality in the courts of justice. Unfortunately that was not the case in this country. If it were so, the New Zealand Company would have long since appealed to the laws of their country to receive redress for the monstrous injuries they had received from the Colonial Office. But that not being the case, they appealed to the only tribunal open to them—to a Select Committee of the House of Commons. He could appeal to hon. Gentlemen if that Committee had not been most fairly selected; and that Committee had given a verdict on every point in favour of the New Zealand Company. That verdict had been contumeliously set aside by Lord Stanley, in a letter to the Governor, in which the noble Lord had spoken of the Report of the Committee in the most slighting terms. Their only resource, then, was to appeal to the justice of that House; and he begged the House to remember that the question was not a political or party one; but simply an appeal from men who had been greatly wronged, not merely on their own behalf, but on behalf of thousands of their fellow-countrymen whom they had unfortunately sent out to New Zealand. It could not be said that it was the conduct of the Company that had brought the Colony into that perilous state of bankruptcy in which it now was. Out of 12,442*l.* raised by means of taxation in the settlement of the Company, 7,921*l.* only had been spent on the spot where the amount had been raised; the rest was taken to Auckland to be expended in the northern part of the island—the great blunder originally being that the seat of government was formed in a place different from that which was the seat of population. The New Zealanders were like a nation of children; they were cockered-up to disobedience by the policy of Captain Fitzroy; the result of which policy was, that our countrymen and countrywomen were insulted and outraged—the national flag cut down, and the Custom-house removed. Where Captain Fitzroy's policy had had uninterrupted fair play, he himself in a public speech admitted that settlers could not go to the bush in safety. He could not, therefore, doubt that when the whole case was laid before the House and the country, due justice would be awarded to all parties.

Sir *R. H. Inglis* said, that some expressions which had been used by his hon. Friend were not such as should have been introduced into that discussion. His hon. Friend had talked of the New Zealanders as a nation of children, and talked of them as having been roused to disobedience by the conduct of his hon. and gallant Friend Captain Fitzroy. He would take the liberty of saying, in the absence of the gallant Captain, that he felt it an honour to call himself his friend. So much, in the progress of that discussion, had been said against him—and not only against him, but also against the proceedings of Her Majesty's Government—in reference to the subject, that he could not help taking a stand in the matter, and saying that there appeared to him to be a fundamental error—a fundamental sin, he might almost call it—on the part of those who advocated the cause of the New Zealand Company; for he had heard in that House—and the hon. Member who had permitted himself to use the expression was then opposite him—that all the sympathies of their humanity were in favour of the savage and the slave, instead of in favour of the civilized man. He himself was not ashamed to say, that in the contest between the poor and the weak, on the one hand, and the rich and the powerful, on the other, his sympathies would always be with the poor and the weak. Could any one say that the inhabitants of New Zealand were a race for whom his sympathies should not be enlisted? He would not admit that the people of New Zealand were to be regarded as children. All the evidence which we had regarding them would justify us in placing them on a level with the English as they existed about eight centuries ago. They can trace their descent and the possession of their lands for twenty and twenty-five generations, that was to say for a period which extended back to about the time of the Norman Conquest. The hon. Gentleman the Member for Liskeard, with whom he had the pleasure of agreeing last night, although he could not have that pleasure on the present occasion, alleged, by the intimation given by him by a shake of his head, that that historical conclusion was unsupported by facts. All he could say was, that the statement was made by one who had had the longest experience in the case of New Zealand—he referred to the friend and protector of the native—Mr. George Clarke, who stated that the circumstances connected with the transmission of their lands, the identification of their property, and with their succession in inheritance in these islands, were not to be paralleled except in that state of comparative civilization which obtained about eight centuries ago in England. The New Zealanders were, therefore, entitled to respect, inasmuch as they possessed those requisites of civilization which were considered essential to the proper adjustment of property. But more, they could not talk of them as children, as they had already recognised their national character. From the moment that we thus recognised them, all our proceedings in reference to them should have proceeded on the footing of equal rights, not of equal power, for that was not possible. But, on the contrary, the case as it actually stood was the case of a mercantile company on the one hand, and that of a free nation on the other. He did not deny that among the individuals composing that Company were men of character as high and principles as just as any who are to be found in any part of the Empire; but their binding principle, it could not be denied, was a principle of pecuniary interest. Would any man say that they entered that Company on any other principle? Were not New Zealand lands as much marketable as any scrip in any railway company, or as the subject-matter of any pecuniary transaction whatever? Was it contended by any of them that high principles alone had brought them into connexion with this Company? Was it through pure zeal for the natives of New Zealand that they became thus connected? It was, in point of fact, a commercial speculation. When he saw these gentlemen, in a question of this kind, ranged on one side, and such a man as Captain Fitzroy on the other—firm, benevolent, and just, with no conceivable private interest or object, he had no hesitation whatever in giving his support to him, who unquestionably had no personal motives for taking a part against the Company; in other words, he could have no hesitation in giving his support to Her Majesty's Government on this question. In respect to the recommendation of the New Zealand Committee and to their Report, there was not one Resolution which emanated from that body of any particular importance, which was carried by more than a majority of one. The real value of reports of Committees would never be ascertained until they bore the names of the individuals who concurred in them. Let that Report bear the names of the seven gentlemen who concurred in it, and it would appear with much less force and effect than when it appeared as the report of an undivided Committee. He was apprised that there was to be no division on the Motion before the House; but had there been a division, he certainly should have given his support to that side of the House which supports the cause of his hon. and gallant Friend.

On the Motion being put,

Mr. *G. W. Hope* rose to move the Amendment of which he had given notice. He would not trouble the House with any observations whatever, but for the observations which fell from the hon. Gentleman the Member for Guildford. It was not his intention to go into the question at large. It was but fair to state what the question was. What was the case as to which it was stated that the Company were under a deception? The fact was, that what was alleged by the Company to be an agreement, was wholly denied by the Colonial Office to have any such character attached to it. The Company, it should be recollected, had bought lands from the natives in the island of New Zealand, and had sent upwards of 2,000 settlers into it before they ever applied to the noble Lord (Lord John Russell) then at the head of the Colonial Department on the subject in the year 1840. The question now was, whether that noble Lord had undertaken to find the Company land, or to make them compensation only, or then to confirm their previous purchases. The hon. Gentleman read an extract from a communication sent by the Company to the Colonial Office, dated Dec. 21, 1842, as follows:—

> "The Company asks Her Majesty's Government to interpose in the manner promised in Mr. Vernon Smith's letter of 28th May, 1841, and whatever may be the present state of the Commissioner's proceedings, or his ultimate decision, to do that which, without impugning his authority, or contravening any existing ordinance, would at once take the Company's claims out of his jurisdiction; and that is, forthwith to instruct the Governor of New Zealand to make to the Company a legal grant of the amount of land awarded by Mr. Pennington, in whatever spot within the district claimed by the Company in 1840, we

may choose to exercise an absolute and unrestricted right of selection. If other parties can substantiate rights to such spots, it would be the business of Her Majesty's Government to compensate those who may be aggrieved by the complete fulfilment of the agreement with us, or to compensate the Company, if it be not able, or do not think fit, so to fulfil it."

It appeared that the demand now made of Lord Stanley was, that he should make to them an absolute grant of land, that he should find them lands, or make compensation to the Company if he could not do so. What had been done by the noble Lord was to offer to give them whatever the owner had to give—but no more—and that had been complained of as a breach of the agreement, as it was called. The Company felt the difficulty arising from the conditions under which the possession of the sovereignty had been obtained, and proposed to the noble Lord to disregard the Treaty. By a letter dated 24th January, 1843, they state:—

> "We did not believe that even the Royal power of making Treaties could establish, in the eye of our Courts, such a fiction as a native law of real property in New Zealand. We always have had very serious doubts whether the Treaty of Waitangi, made with naked savages by a consul invested with no plenipotentiary powers, without ratification by the Crown, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages for the moment. But we thought it most probable that, whenever possession of New Zealand should be actually obtained by Her Majesty, the view hastily adopted by Lord Normanby would be found impracticable, and abandoned."

The letter in which they made their demand upon the noble Lord was dated the 21st of December, and the letter in which they thus explained their views of the Treaty was dated in January, so that but little time elapsed between their making the demand and their intimation that the Treaty should be set aside. The noble Lord, in reply to the representations made to him, stated, that he took a different view of the obligation imposed on the Crown by the Treaty. He stated, that his final answer to the demands of the Company should be, that as long as he had the honour of serving the Crown he would not submit to becoming a party to the setting aside the Treaty. The noble Lord could not admit that the noble Lord who preceded him (as was seen from an extract which the hon. Gentleman here read from the correspondence above referred to) had come under any obligation to provide the Company in land; and he could not, therefore, suppose that the noble Lord who preceded him had undertaken to guarantee them the finding of lands which they did not already possess, or to give them a pecuniary compensation. He had however offered to instruct the Governor of the Colony to make them a conditional grant. The noble Lord said he would thus deal with all the Crown had to give, but that he could give them no more. That proposal the Company rejected. The noble Lord had come under no agreement. What was proposed to be done was for no consideration. The Company had at last accepted the offer which was made at first, and instructions were given how it should be executed. It was alleged that there had been a breach of faith. Captain Fitzroy had asked for explanations on several points. He had asked for explanation as to what was to be done with regard to the grant to the Company. This was the case of an agent of the Government applying to the Government, from which he was to receive instructions, to know how these orders were to be executed. The instructions were given in the very words in which Mr. Somes himself requested they should be given. The Company demanded particular spots of land. It was urged by them that the noble Lord the Member for London, when presiding in the Colonial Department, had undertaken to give them particular spots, and now that the Government was not able to do so, the Government was bound to make the Company compensation. The hon. Gentlemen then contended that the Colonial Department had come under no agreement in a technical sense with the Company. Whatever directions were given in the matter were by the favour of the Crown, and not under any agreement.

Mr. *C. Buller* said, that he was not anxious to get into any discussion on what he really must call such a wretched verbal distinction as had been brought forward on that occasion. The hon. Gentleman who had just taken his seat, said that there had been no agreement between the two parties. Now, he did not care very much what he chose to call it, but this was what he wanted to ascertain. On the 8th of May, 1843, Mr. Somes wrote to Lord Stanley, and made certain proposals. In May, 1843, the Company, after much discussion with Lord Stanley, sent a formal proposal of the terms on which they would make their contract. In the letter conveying that proposal, he found the following paragraph:—

> "For the purpose of effectually settling the question of the Company's title, and of quieting the minds of their purchasers, they suggest that your Lordship should forthwith direct his Excellency to make to the Company a conditional grant of the lands selected by their agents; the Company obtaining within the district so selected the whole title which the Crown may have the power to grant; and having the option, in the event of prior claims being set up, of either excluding from the selected lands such portions as may appear to be subject to such prior claims, and in that case receiving a corresponding number of acres in lieu; or of including such portions, subject to the prior title, but obtaining from the Crown, in respect of them, the exclusive right of preemption enjoyed by the Crown, the Governor and Council being instructed, as soon as practicable, to establish some general rule for defining native titles, and settling the claims to land, and to do their best to aid the agents of the Company in effecting the necessary arrangements with the natives, either for the purchase of lands belonging to them, but unimproved, or for making on the part of the Company equitable compensation for the original value of land which may have been occupied by themselves or their settlers, without sufficient title, but on which they may have effected improvements."

On the 12th of May, 1843, Mr. Hope wrote back in these words:—

> "Lord Stanley directs me to state his assent to these proposals, and to intimate further, that he will be prepared to issue to the Governor of New Zealand instructions to the effect proposed in your letter for effectually settling the question of the Company's title to land in that Colony."

Whether the hon. Gentleman called that an agreement or not, was for himself to decide; but he (Mr. C. Buller) must say, that the assertion that it was no agreement belonged to a peculiar style of reasoning—what one might call the Colonial Office style; and if any Gentleman could refuse for a moment to call what he had just read an agreement, he must quarrel with the English language in its ordinary terms. He did not want to dwell at the present moment upon the charge which the hon. Gentleman had so indignantly repudiated. The hon. Gentleman said that the instructions which Lord Stanley had issued on the 26th of June, 1843, were in perfect accordance with the agreement. [*Mr. G. W. Hope:* With the promise—] Promise! He must take the hon. Gentleman's own words, and when he said that Lord Stanley directed him to state his assent to the Company's proposals, and to intimate further, that he would be prepared to issue instructions for the purpose of settling the Company's title to land in the Colony, he did not know what signification such terms might have at the Colonial Office, but he regarded them as the distinct terms of an agreement, and he had a right to come forward and ask the Government how that agreement, or promise, if the hon. Gentleman liked that better, had been kept? The first complaint was this, and he merely put it, as to the indelicacy of the proceedings on the part of the Government. An engagement was made between two parties. The New Zealand Company left that engagement to be executed by the officer of the Government. They were told that a letter had been sent out with instructions to the Governor of New Zealand; but they were not told that any other instructions had been sent out, or rather it was six months afterwards that they learned that other instructions had been sent out. He would not at present enter into the discussion of the question with regard to the consistency of these instructions with the promise of the Colonial Secretary. They were instructions not dictated by the spirit which was supposed to preside at the making of the agreement. Two parties had been engaged in making the agreement; and the instructions, which were a departure from it, were dictated by one party, without consulting the other. Such a course was a violation of every honourable principle. Between men of honour and proper feeling, in private life, such a thing would never have been done. Suppose, for a moment, he himself made an agreement with the hon. Secretary. [*Mr. G. W. Hope:* It was no agreement.] No agreement! Suppose, then, he made a promise with the hon. Secretary, and suppose a part of the promise was, that his servant should carry it into execution, and suppose the servant to come and say that he did not know exactly what the promise meant, would the hon. Secretary, in that case, if he (Mr. C. Buller) had entrusted his interest to him and his servant, give that servant instructions deviating from the promise, without consulting him? All faith between gentlemen would cease if such a course of proceeding were once permitted to nullify the contracts of private life. He would not enter into the discussion of the question as to whether the instructions referred to were inconsistent or not. The

Government had not observed the common delicacy which private parties generally observed in such cases. He did not care a rush for what they called the understanding between the parties, so long as they managed to get at the substance of the case. He had a much more serious accusation to prefer. They had formerly gone on disputing the title of the Company to land. The Government had called upon the Company to prove the validity of their purchases, and the dispute between them was, that it was not competent for the Government to call, in the first place, upon the Company to prove the validity of their title. The inquiry was to be subsequent, and not preliminary, to the giving of the titles. They would see the difference between the two cases—between making out the validity of their purchases in the Commissioners' Court before they got their title confirmed, and a conditional title on which they got the land into their possession at the moment. What he complained of was this, that Captain Fitzroy had not recognised this conditional title immediately on his arrival in New Zealand. The House was in possession of nine months' proceedings of his in the Colony, and they found that not one step had been taken by that functionary to carry out the terms of the promise. What he now wanted was, to know what instructions had been given to the Governor of New Zealand in pursuance of Mr. Hope's letter of the 12th of May?

Mr. *G. W. Hope:* The instructions given were given in the words of the letter of the 12th of May.

Mr. *C. Buller:* The letter of the 12th of May contained a promise, and what he wanted to know was, what instructions had been given to fulfil the promise so contained in the letter of the 12th of May? What had been done to fulfil the promise therein made to the Company?

Mr. *G. W. Hope:* The hon. Gentleman asked what had been done? The course was, that the Company's agents were to select the portions of ground of which they were to obtain a grant. It was not for the Governor to make a conditional grant, without application to him for that purpose. After a great deal of discussion, the compensation proposed had been accepted.

Mr. *Aglionby* said, that although he seconded the Motion, he would not oppose the Amendment, especially as the hon. Gentleman the Member for Dartmouth, who moved the Resolution, had assented to it. He should have another opportunity of calling the attention of the House to the letter of Lord Stanley.

The Motion, as amended by Mr. Hope, was as follows:—

"Address for 'Copies of all Correspondence between the Colonial Office and the Governor of New Zealand respecting the issue of Debentures, and the rendering them a legal tender:"

"Of all Correspondence between the same respecting the Taxes proposed in the Legislative Council of that Colony:"

"Of all Correspondence between the same respecting recent outrages by the natives in the Bay of Islands, and the abolition of the Custom-house of that district:"

"Of all Correspondence respecting the measures taken by the Governor of New Zealand, in pursuance of Mr. Hope's Letter of 12th May 1843, respecting the grant of a conditional title to the lands of the New Zealand Company:"

"Of all Correspondence respecting the disallowance by the Governor of New Zealand of any awards made by the Commissioner of Land Claims respecting the Company's lands:"

"Of all Correspondence relating to a Proclamation of the 26th of March 1844, issued by the Governor of New Zealand allowing the sale of lands by the natives."

POOR RELIEF AT ROCHDALE.] Mr. *Sharman Crawford* said that notwithstanding the lateness of the hour, he thought it would be more convenient for him to proceed with the Motion of which he had given notice than to postpone it to another night. The subject he was about to bring under the notice of the House might appear from the nature of his Motion to be of a local character; but the House would be mistaken if they considered it to be of mere local interest, for it involved the question, whether the authority of the Poor Law Commissioners should be enforced in every corner of England that still resisted their authority. It was in fact the great question whether all the districts under Local Acts, or which still managed their poor under the Select Vestries' Act, should be compelled to bow their neck to the yoke of that sovereign authority which had been not inappropriately called the authority of the Three Kings at Somerset House. The Motion which he brought forward also raised the question, whether the New Poor Law Act should continue as it was, or whether it should be amended in such a manner as to render it more conformable to justice, to policy, and to the ancient constitution of England. He would shortly state the circumstances more particularly connected with his constituents on the present occasion. The district of Rochdale had been managed for twenty-six years under the Select Vestries' Act, and he believed that no fault had hitherto been found with the manner in which the relief of the poor had been there conducted under that Act. In 1837 a Union was formed under the new Act for the purposes of Registration; but the guardians under that Union were directed to abstain from the management of the relief of the poor, which still continued conducted under the Select Vestries' Act. Matters remained so until October 25, 1844, when an order was issued by the Poor Law Commissioners requiring that the guardians should take on themselves the relief of the poor. This order was accompanied by a letter, in which, however, no reason was assigned for the course dictated by the Poor Law Commissioners, they merely stating that "the exercise of the function for the relief of the poor is expressly intrusted to them by the Legislature; and though the Commissioners deemed it expedient to restrain it for a period, they have come to the conclusion that the time has now arrived when that restriction may be properly withdrawn." This order, then, without any reason assigned, was issued by the Poor Law Commissioners, notwithstanding that the people of Rochdale had been permitted, since the formation of the Union for Registration purposes, to administer the relief for the poor in their accustomed manner. In spite of the order of the Commissioners, it was found impossible to obtain a meeting of the guardians, either *ex-officio* or other, in sufficient number to constitute a board of three to carry out the order, which was thought injurious to the interests of the people. In this state of things a *mandamus* was applied for on the 24th of November in the Court of Queen's Bench; and there was something that appeared very strange about that *mandamus.* It was moved for and required by the Poor Law Commissioners to be issued, not in the usual form, by way of rule to show cause, but the Court was solicited to grant an absolute *mandamus* at once, and, as he understood, on the allegation that the poor were starving. The *mandamus* was accordingly granted. It was exceedingly strange that such a representation should have been made to the Court of Queen's Bench, because, under the authority of a letter addressed to the overseers of the poor of Rochdale by the Poor Law Commissioners, the overseers were still relieving the poor according to the former system. The poor were not starving, but were relieved as usual, and that, too, under the authority of the Poor Law Commissioners themselves; for, in the letter to which he alluded, the Poor Law Commissioners "recommended that if any embarrassment or misunderstanding should arise, the paupers should be relieved by you (the overseers) as usual." The Commissioners, therefore, or those who acted under them, employed something like deception when they said that the poor were in danger of starving, and thereby induced the Court of Queen's Bench to grant an absolute *mandamus,* without allowing the people of Rochdale an opportunity, in the first instance, of showing cause against it. As to the legality of the *mandamus* itself, he should say nothing at present, as he understood notice had been served for the trial of the question at the assizes at Lancaster. The people of Rochdale had made every exertion possible to avoid the infliction on them of this New Poor Law. They had tried by all legitimate means to prevent its being forced on them; and at the same time had endeavoured to avoid the appearance of any resistance to authority. The guardians signed a memorial addressed to the Home Secretary; and the ratepayers of Rochdale also addressed a memorial to the right hon. Baronet, hoping for his interference to prevent the infliction of this New Poor Law upon them. That memorial was signed by 11,415 ratepayers; and it was a remarkable thing that amongst the vast number of ratepayers there was such a degree of unanimity. It was also remarkable, that notwithstanding his constituency was divided into so many political parties, he represented at that moment the feelings of the whole body. There might be some few exceptions, but he was proud to say that he was then advocating what might properly be termed the wishes of the whole body of the people of Rochdale. That memorial was presented to the right hon. Gentleman the Secretary of State for the Home Department; but his answer was, that he had no power to interfere in preventing the operation of an of Act Parliament. Now, he would ask that House whether it was justifiable, under such circumstances as he had stated, for the Commissioners to force their authority upon Rochdale without having a sufficient cause for doing so? The memorialists wanted to know whether any mal-practices could be charged against them; if there were any, let them be stated and inquired into. But it was hard that the Commissioners should attempt to enforce their authority against the feelings and wishes of the people. It was on that ground that the inhabitants of Rochdale appealed to that House. They had appealed to the right hon. Gentleman as the organ of the Government; but were told that the Government could give them no remedy, and they therefore came to that House to ask whether they would give them any relief from the infliction of this law. Although no reason was assigned for the infliction of it in any regular document, yet he had a correct knowledge of a document which had been produced, and which he believed was made the foundation of this act of the Commissioners. It was the Report of Mr. Clements, and in that he found a table comprising thirty-nine Unions, and forming a comparison between the aggregate average of those Unions with three others under the Select Vestries' Act. Upon that comparison the Commissioner made out a case against the Select Vestries' Act. But his mode of computation was not correct; he stated that the average increase in 1843, as compared with 1838, had been under the Commissioners in thirty-nine unions 68½ per cent., whilst under the three Select Vestries Acts it had been 147 per cent. But if that Table were examined it would be found that in several Unions which included those thirty-nine, the percentage of increase was a great deal higher than in the three Select Vestry Unions. He could select three towns in which the average percentage would run as high as 170 per cent., and that without taking the extreme highest in the list. Now, under such circumstances, was it fair to compare the average of thirty-nine Unions with the average of three, when among those thirty-nine there were several which equalled or exceeded the average of the three so selected? Again, there was a difficulty in comparing the percentage of one Union with another, because the Commissioner wisely abstained from giving in his table the percentage of each Union. The Commissioner admitted that Rochdale was the lowest of those three Select Vestry Unions; and, if an examination were permitted, it could be shown that the amount of expenditure in Mr. Clements's table attributed to Rochdale was largely overstated; that between 8,000 and 9,000 persons and families were relieved in 1843, and that the average expenditure in that relief did not exceed 28*s.* per head. It could also be proved that in the year 1844 there had been a decrease of expenditure to the amount of 1,087*l.*, equal to one-ninth of the whole expenditure of the former year. But there was a triumphant argument in favour of Rochdale. By the Tenth Annual Report of the Commissioners, page 3, it appeared that the number of paupers relieved in England and Wales (in-door and out-door) in 1843 was (in round numbers) 1,500,000; and the expense (in round numbers) 4,000,000*l.* This was at the rate of 2*l.* 13*s.* 4*d.* per head, whilst at Rochdale the rate per head was only 28*s.* That was a strong argument why an inquiry should be made before this law was forced upon them. But it was not the first time that Rochdale had been attacked, and that he had had to defend it. In 1841 he stated the distress of the inhabitants of Rochdale, and the consequence was that an inquiry was instituted, which inquiry was extended to the system for the relief of the poor. That inquiry was reported by Mr. Tufnell in February, 1842, and in Mr. Tufnell's Report he found this passage:—

> "They asked persons whom they found in distress, had they applied for relief? 'They declared they had not; and appeared to me to have a pride in endeavouring to keep off the parish as long as possible.' Again, you will not fail to observe the small amount of out-relief given in some of these townships, compared with what is usual in the Poor Law Unions of the south of England. In Wardleworth, a population of 11,400, the weekly out-relief amounts on an average to only 10*l.* A similar amount of agricultural population in Kent or Sussex would usually receive 35*l.* weekly, or three and a-half times as much."

Such was the testimony given by that Report in favour of the manner in which the relief of the poor in Rochdale was conducted. That was another ground why they should not be sentenced without being first permitted the liberty of showing why this law ought not to be forced upon them. But was economy to be the only object in view? Was that to be the only criterion of the administration of the law?

There were other considerations. He thought the manner in which the poor were relieved, as well as the expense, ought to be considered; and if it were found that it afforded the poor insufficient relief it ought to be condemned, whilst, on the other hand, if there were economy with sufficient relief, the system should be maintained. But the Commissioners seemed to think only of economy, and they appeared, in his opinion, to have corrupted the guardians by the constant reiteration of that principle, for the guardians seemed to be as much inclined to starve the poor as the Commissioners. But this petition contained a variety of allegations, and he should not do justice to those who had commissioned him to appear before that House if he did not call the attention of the House to those allegations. They stated that the Poor Law system was unconstitutional, and that its introduction into Rochdale would utterly destroy that principle of self-government upon which the inhabitants had hitherto acted with perfect satisfaction to themselves and the poor of that town—a principle which was the acknowledged palladium of British liberty, and the only safeguard against despotism and tyranny. They also told the House that the Poor Law Commissioners were not recognized by the constitution of England. Nor were their commands to be regarded as legislatorial authority, inasmuch as the Commissioners took upon themselves, under pretence of administering the provisions of a law passed by the House, to issue mandates called rules and orders, having all the authority of law. The rules of the Commissioners had all the power of Acts of Parliament; but they were made by those who had no authority to make acts, who derived no authority from the people. The petitioners also told the House, that the Commissioners assumed the power of originating large levies of money to be imposed for purposes not consented to by the guardians. Now, that was a right of taxation vested in irresponsible hands, which the constitution did not acknowledge. They had also power to appoint officers and to give salaries; that, too, was contrary to the British constitution; but the people of Rochdale had lately experienced an exercise of that power, for the Commissioners had recently appointed there an officer with a salary of 150*l.* a year. In fact, the guardians were hackneys to be ridden by the Commissioners, and made to sanction that taxation which they had no power in themselves to control. The petition then went on to remark, that it was one of those great and glorious principles of civil liberty which constituted the Commons of England the great bulwark against dictatorial and tyrannic sway, without whose consent not even the Monarch on the throne could levy one penny of a tax upon the people; and yet the Commissioners had assumed that power. Another unconstitutional part of this system was, that the Commissioners combined both the legislative and executive power in themselves. Parliament, by creating those Commissioners and giving them the authority they had, were doing that which they were not entitled to do. They were by such a proceeding not making laws, but legislators; but Parliament had no right to surrender its rights to other persons. Parliament was constituted to make laws, but had no power to transfer their authority to any other quarter. He had heard it remarked in that House, not very long since, that it was dangerous for Parliament to transfer its authority to other bodies. He had heard it said that if Parliament did transfer its authority to other bodies, it would soon become nothing but a debating club, and that they would lose their character as the representatives of the people and the guardians of the rights of the people. He said, then, that Parliament endangered their weight with the people by surrendering their authority to any body; but why was this transfer of authority made to the Commissioners? Because it was intended that they should do what Parliament did not choose to do. The object for which, beyond all doubt, Parliament created the Commissioners, was to abolish all out-door relief, and with that to abolish the right of the working man of England to that support to which he was entitled. That was what the people of Rochdale believed, and that was the reason why they had such an aversion to this law. The right of the working man of England he conceived to be this:—Every working man was entitled to offer his labour to those who might be in the occupation of the soil; and if he could not obtain labour, he was entitled to subsistence. That right originated in the dispossessment of the working man of the soil; but it was a right higher than any law could give; it was a right from above, that the working man should be supported by the soil, and if the soil were withheld from him, then those who possessed the soil should support him. The working man of England had a right either to have work or a subsistence, and that right had been acknowledged by every Act of Parliament, particularly by the Act of 1790. That Act was a most kind act to the poor, as it enabled the overseers to give out-door relief. But the object of the present law was to exclude out-door relief. It was stated that five-sixths of the paupers in England were supported by external relief. He did not deny that; but he said that that was contrary to the intention of the Act, and was contrary to the existing rules. There was a very important observation of the Commissioners upon that part of the Bill. In their Second Report they said—

> "In the Poor Law Amendment Act first submitted to the consideration of Parliament, a clause was inserted which directed that all relief to able-bodied paupers out of workhouse should cease on the 1st of July, 1835. In the progress of the Bill the clause was withdrawn, and the Commissioners were charged with the important duty of fixing the time when in each Union that provision, which formed the first recommendation of the Poor Law Commissioners, and is in fact the main object of the Poor Law Amendment Act, should be carried into effect. We have not ceased to bear in mind this very important part of our duties; and we have carefully watched the progress of the districts first formed into Unions for the purpose of ascertaining at what time, and to what extent, this provision might be enforced in them."

They then stated that the rule had been applied to certain Unions mentioned, in all sixty-four (in one year), and went on to say—

> "No doubt can be entertained that it was the deliberate intention of Parliament, in framing the Poor Law Amendment Act, that all out-door relief to the able-bodied should cease at the earliest period that it could safely and with propriety be put an end to, and the question which we have successively to decide as to each Union is, whether the time may be fairly deemed to have arrived."

But there was another paper which sank deep in the minds of his constituents. It was a paper of secret instructions, which was at a former period mentioned in that House by Mr. Walter, then Member for Nottingham. The various rules of the Commissioners contained in those suggestions had since been carried out in the fullest manner—they still existed in full force—that no able-bodied person should be relieved except in the walls of the poorhouse. The Commissioners had published their rules in their Eight Annual Report, and had there acknowledged that principle. That rule which was originally proposed, had been since carried out consistently and regularly by the Commissioners; and, although it was true it had not been entirely adhered to, still there was every reason to believe that, if it were not for the force of public opinion, it would still be carried out with all the severity of which it was capable. Then, again, the Commissioners had the power to reduce allowances, but not to enlarge them; so that the poor man had no court to appeal to for an increase of his allowance. Another cause which led his constituents to wish for inquiry was the poverty of the diet given to the poor under the Poor Law. From the Cirencester Dietary Tables which were dated March, 1844, and were laid on the Table on the Motion of the hon. Member for Finsbury (Mr. Duncombe), it appeared that the allowance for an able-bodied man for five days in the week was as follows:—"Breakfast, seven ounces of bread, and one pint of gruel; dinner, one pound potatoes; supper, seven ounces bread, and one ounce cheese. On Sunday he was allowed an addition of five ounces bacon; and on Thursday his one pound of potatoes for dinner was withdrawn, and in place of it one quart of soup given. One pound of potatoes for a working man's dinner! Why, one good-sized potatoe would almost weigh a pound, yet not a drop of milk or a morsel of meat was added to his meal. He could tell the House that in Ireland an able-bodied man would eat seven pounds of potatoes for his dinner. Yet the diet he had named was what was prescribed for the able-bodied Englishman. It was a starvation diet, and yet, with the exception of five ounces of bacon in two days, that was all he got for dinner. Nor had his constituents forgotten the diet in the Bridgewater Union. In May, 1836, the new system of diet commenced there. In August the dietary and other comforts of the poor were reduced. In September disease commenced, as appeared by the reports of the medical men, and for nearly six years this House exhibited proofs of the most grievous ill treatment as exhibited in the following characteristics:—1. spare and unwholesome diet; 2. rooms crowded to pestilence; 3. wilful exposure of the healthy to fatal contagion; 4. consequent fevers, inflammations, and deaths; and all this was continued notwithstanding the remonstrances of the medical men. Not till the close of six years did the Commisssioners take means to alleviate this suffering by giving a greater latitude for out-door relief. His constituents had observed all these things as they happened at Bridgewater, and they, therefore, commissioned him to appeal to the House. There could, he apprehended, be no doubt that any extension of out-door relief to the able-bodied poor was contrary to the laws of the Commissioners. Yet what did Mr. Clements say in his Report, of November, 1844, at page 184. He said—

> "But I have yet to learn that there is anything in the regulations issued by your Board, or in the advice given under your instructions, which would ever cause the guardians to oblige respectable married couples who require relief to enter a workhouse."

How could he assert this? He (Mr. S. Crawford) on the contrary challenged Mr. Clements to show that the rules of the Commissioners did not provide the direct reverse of what he stated to be the practice. There might, perhaps, have been a mitigation of the rule in practice, but there was no real change of the rule itself. The principles of the system were what he had already declared them to be, and such also were the proceedings by which it was attempted to be carried out in the first year of the government of the Commissioners. Since then public opinion had forced a mitigation of the severity of the system; but was there any real change in the system or its objects? He denied that there was. In the Eighth Annual Report the Commissioners republished their general rules:—

> "Article 1 — Every able-bodied person, male or female, requiring relief from any parish within any of the said Unions, shall be relieved wholly in the workhouse of the Union, together with such of the family of every such able-bodied persons as may be resident with him or her, and may not be in employment, and together with the wife of every such able-bodied male person, if he be a married man, and if she be resident with him, save and except in the following cases."

And the exceptions referred to sickness and accidents, funeral expenses, the cases of widows under certain circumstances, persons in gaol, soldiers and sailors' wives and children, and other cases. Again, in the Tenth Annual Report, p. 1, the Commissioners said—

> "The regulations respecting out-door relief of the able-bodied, which were in force in the several Unions, were generally observed, and we were not required by special circumstances to modify our general orders on this subject."

Therefore, he contended, if the rules of the Commissioners had been relaxed, that relaxation had arisen from acts of indulgence wholly independent of any power which the boards of guardians were authorized to exercise. Another point arose out of the power of the justices to order out-door relief to infirm paupers. That power was given by the 27th clause of the Poor Law Amendment Act. What said the Commissioners with respect to the relief given to infirm persons? Why, in the Second Annual Report, they say—

> "They have hitherto applied the prohibitory scale, with few exceptions, to able-bodied male paupers; but the guardians of many boards have been induced to investigate the claims under which widows and old persons have been for a length of time relieved; and to put to the proof the actual destitution of many long-established pensioners on the rates. Persons struck off by the guardians have appealed to the magistrates under the 27th clause, which gives them a limited jurisdiction with regard to paupers whom they can certify as wholly unable to work. The Commissioners say they have been called upon to explain the nature and extent of this power. They say it can go no further than to the extent that relief shall be given in the workhouse; but the amount and quality of the relief which is to be assigned to the individuals, is to be decided on and awarded solely by the guardians, by whom alone the power of doing and regulating the relief to the poor is (subject to our orders and regulations) to be exercised."

So that it was in the power of the guardians to neutralize altogether the power given by the Act to the Justices of the Peace. But if any evidence were still wanting as to the spirit in which the Poor Law Amendment Act was conceived, it would be supplied by what fell from the most distinguished promoter of it—Lord Brougham — when moving the second reading. The noble Lord said—

> "For most certain it is that anything more mischievous—anything more fatal to the country—anything more calculated to multiply indefinitely the numbers of the poor, cannot be conceived than the application to them of any

regular fixed provision, be it tithe or be it tax, which they can claim at the hands of the rich, except by the force of that duty of imperfect obligation—private charity—which is imposed upon all men. Every permanent fund set apart for their support, from whomsoever proceeding, and by whomsoever administered, must needs multiply the evils it is destined to remedy. The real question is,—whether your Lordships shall retain your property or not. The Commissioners appear to be of opinion that unless some measure of this kind be adopted the property of the country must shortly be confiscated."

There the secret was let out. But a more unwise principle never was adopted as the ground of legislation. That was the way really to make the property of the country change hands. Let property afford the people the relief they were entitled to. Depend upon it if that relief were withdrawn or withheld it would lead to a much greater danger than that which was here put forward by Lord Brougham as a reason for passing the Act. Another evil in the present law as compared with the old one was, that the right of appeal was taken away from the poor. Formerly there was an appeal to the magistrates from the acts of the overseers. He did not mean to say that the magistrates were the best body to whom to allow the appeal; but still he could not help thinking that the gentlemen of England, as a body, entertained feelings which would be more likely to lead to kindness to the poor than could be expected from boards of guardians. Another most grievous operation of the law was the manner in which it mixed up the industrious poor and their families with the most abandoned persons. This would effectually prevent the industrious and well-conducted poor from availing themselves of the provisions of the Act. It was of no use to say that the poor had the right to relief, so long as the relief was to be administered within the walls of a workhouse. There were two kinds of poor. All the poor were not "paupers." That kind of poor were not to be classed with the industrious working men of England—those who had, when in better circumstances, contributed to the support of others, and who had thereby established a claim to the same support in their turn. The difference between the New Poor Law, and the old Select Vestry Act, was that destitution was now the only ground of claim, while the workhouse test was the only proof of that destitution. This was a miserable position in which to place the working men. The right given to them by the Law and the Constitution was for the purpose of preventing them from coming to that state of destitution which was now made the only ground on which they could claim relief. The effects of this law had also claimed the attention of his constituents. They were shown in the general reduction of wages; in the cases of starvation to death that had occurred; in the increase of crime; and in the startling fact that the poor would commit crimes and go to prison, only to prevent their being forced into the workhouses. He maintained that the right of the poor man to relief was as sacred as any other kind of right recognized by the Law or the Constitution—it was his birthright, and was quite as sacred as the right of property itself. The New Poor Law had abrogated this right. That law had perhaps never been more accurately described than by a celebrated public man now living, when he said that the "pith and marrow" of the enactment ought to be comprised in two sentences—'1st. Be it enacted that the Poor Law Commissioners shall have unbounded dominion over the rich and poor of the land;" to which should be added a proviso, "provided always, and be it enacted, that they shall invariably exercise that dominion in the most insulting manner." He had now endeavoured to explain the reasons why his constituents were so opposed to the law—he had endeavoured to do so fully and fairly, and without the use of any aggravated expressions. They were, however, most anxious that Parliament should take some means to prevent them from being brought under the influence of the law. They desired that there should be some inquiry into the means by which the Commissioners had administered the law. They were not conscious that the old law had been abused in their hands. He (Mr. S. Crawford) would not press for an inquiry into the operation of the existing law if they would send a Commissioner down to Rochdale to inquire how the affairs of the poor had been administered there. He wished for inquiry. If no malpractices should be found, his constituents would have a right to complain that the law should be forced upon them. Their Select Vestry Act directed relief with a distinction between the deserving and undeserving poor—terms entirely alien from the principles of the New Poor Law, but carrying out a humane, charitable, and useful principle. His constituents were anxious not to get into collision with the constituted authorities, nor to show any disrespect to them; but they were united as one man in the determination not to be made the instruments of bringing into that district of the country a law they so highly disapproved; and they would be ready to risk the penalties of an attachment, rather than be made to do that from which their consciences revolted, and which was so contrary to their feeling of duty towards their fellow men. He would vary the terms of his Notice of Motion, and conclude by moving—

> "That the Petition of the Ratepayers and Inhabitants of Rochdale, presented on the 25th day of February last, be referred to a Select Committee of this House, to inquire into the administration of the relief to the Poor in that district."

But if the right hon. Baronet (Sir J. Graham) would state that he would institute an inquiry, he would be quite satisfied.

Mr. *Ferrand:* I rejoice, Sir, that I have caught your eye, for I am anxious to bear my testimony to the unanimity of that vast meeting at which this petition was agreed to, and the determined spirit which the inhabitants of Rochdale then exhibited, to stand by the principles which they on that occasion asserted. I also rejoice to have the opportunity of calling the attention of the House to the solemn pledges given by those who introduced this law, and the manner in which those pledges have been broken, as well as the fearful results which have accrued to the country by the enforcement of this law. I will prove that the inhabitants of Rochdale are justified in resisting the extension of the system into their neighbourhood; and that obedience, on their part, would be a crime, while resistance is a virtue. There were the most solemn pledges given when this law was introduced; this House was deceived by those pledges, and so was the country; and what can Parliament say now, when I prove that those pledges have been most unblushingly broken? Will it assert that the people of Rochdale are not justified in resisting a law which was carried by unjust and unconstitutional means; or will it aid the Poor Law Commissioners in enforcing it upon them? Sir, when this measure was first introduced by Lord Althorp, he distinctly said, on the 17th of April, 1834:—

> "As to the observation of the hon. Member for Marylebone, who hoped that the Commissioners would not interfere with parishes that were well regulated, he had to say, that he hoped they would not; the only mode in which, he trusted, they would deal with such parishes would be by following their example. When a parish was really well regulated, it need not entertain the slightest apprehension of interference upon the part of the Commissioners."

Upon this pledge, given by the mouthpiece of the Government in this House, the House of Commons gave its consent to the Bill, and the country did not offer that opposition to it, which it would otherwise have done. Afterwards, on the same day, Lord Althorp said, "he need not say that an immense advantage would be obtained by an uniformity of system throughout the country;" and on the 27th of June, he observed, "The proposed amendment would destroy one of the principal advantages of the measure, namely, uniformity of practice." The right hon. Baronet (Sir J. Graham) said, on a later occasion, on the 20th of July, 1839, that "the law contemplated that on a given day the refusal of out-door relief throughout England and Wales should be general." Lord Althorp said, on the 1st of July, 1834, "the object of the Bill was to put a stop to the allowance system." On the 12th of June, 1834, the same noble Lord stated "that it was not intended as a general rule, that a man should be separated from his wife, or children from their mother, or that paupers should have their heads shaved, or be compelled to wear badges." On the 9th of June, 1834, Lord Althorp said, "it would prove of the greatest possible benefit to the labourer;" and on the 27th of that month, "the farmer and his labourer would both be benefited; the latter being made independent by increased wages, and the former, in consequence of that increase, would have his work much more effectually and zealously done and performed." He asserted, that at that very time the average rate of wages in the north of Nottinghamshire was 13*s*. a-week; in Northamptonshire, 9*s*. But there were also most solemn pledges given by a noble Lord, who has been quoted to-night. I allude to Lord Brougham, who, in moving the second reading, said:—

> "Such a system (that is, the old Poor Law) deadens all sense of shame, all sense of real dignity; erases from the mind every feeling of honourable independence, and fits its victims only for acts of outrage or of fraud. Look at that volume (the *Poor Law Commissioners' Report*,) the record of idleness and her sister guilt, which now stalk over the land. Look at the Calendar, which they have filled to overflowing, notwithstanding the improvement of our jurisprudence, and the progress of education."

He then called the attention of the House of Lords to the state of the country, and spoke of it as

> "That which I could not bear to think of, did I not know that the same hand which lays it bare to your eyes, and makes its naked deformity horrible in your sight, will be enabled by your assistance to apply to the foul disease a safe and effectual remedy; restoring to industry its due reward, and visiting idleness with its appropriate punishment; reinstating property in security, and lifting up once more —God be praised!—the character of that noble English peasantry to the proud eminence where, but for the Poor Laws, it would still have shone untarnished, the admiration of mankind, and the glory of the country which boasts it as its brightest ornament."

Now, I ask the House of Commons—I ask England—have these pledges been redeemed? What, let me ask, has been the conduct of the Poor Law Commissioners? —an open defiance of those solemn pledges. Have they refused to enforce this law in "well-regulated parishes?" Have they taken well-regulated parishes as "their example" in enforcing the law elsewhere. No; but they have trampled under foot the rights, the liberties, and the privileges of the people of England. How has your "uniformity of practice" been carried out? Has that been enforced throughout the country? Why, I want no other evidence than that of the hon. Baronet himself (Sir J. Graham), who, in this House, after this law had been five years in existence, was obliged to bear testimony to its utter failure, and to the breaking down of all "uniformity of practice" in the granting of out-door relief, and in the allowance system. On the 20th of July, 1839, the right hon. Baronet said:—

> "He had been Chairman of a Board of Guardians. He had seen the practical working of this measure, having for four years watched it with the greatest possible anxiety. In the Union with which he was connected, there was a large body of handloom weavers, and he did not hesitate to say, during the last winter it would have been utterly impossible to have conducted the affairs of that Union without relief, though sparingly administered, and with great caution, to the able-bodied labourer. The noble Lord said what was true, that there was very great danger lest the administration of relief, even in such special circumstances, and in kind, should relapse into all the evils of the former system."

He said also,

> "The law contemplated that on a given day the refusal of out-door relief throughout England and Wales should be general. . . . This rule prohibiting out-door relief, so far from being general throughout England, was, he must say, somewhat capriciously applied. It was applied to certain Unions in the south, but in the north the rule was not in operation. In Cumberland, in the Union of which he was chairman, they were bound by no such regulation. An ample discretion was left them; they were not fettered in the least; and if they had not been left to the exercise of this unfettered discretion, he was bound to say that he should not have held himself responsible for the conduct of that Union."

Here is a wholesale breaking of the pledges given when this blessed New Poor Law was introduced into the House of Commons. And what said Sir Robert Peel on the 8th of February, 1841. He said,—

> "It was in the hope and in the belief that a new test would improve the condition of the labourer himself, and that it would teach him the happiness and pride of an independent position, that he had consented to the alteration in the law."

The "independent position" of the labourer of the present day! Why, Sir, the "independent position" of the labourer of the present day is beggary, starvation, and a gaol. I see in the House the noble Lord the Member for London (Lord J. Russell), and I wish to bear to his face the testimony which I have borne behind his back, that the way in which he adhered to the New Poor Law, previous to the last general election, was both manly and honourable. There is no doubt but that the right hon. Baronet at the head of the Government sits on that Bench, placed there by the New Poor Law cry throughout the country. Ay, it was fanned into a blaze by the Conservative party at the last general election, and fanned too by the right hon. Baronet the Secretary for the Home Department. I have not forgotten reading the speech of that right hon. Baronet, and the First Lord of the Treasury, when they abused the Poor Law

Commissioners for their disgraceful language, in declaring that the New Poor Law was to put a stop to alms-giving in this country. The First Lord of the Treasury raised his hands in horror at such inhumanity, and appealed to Heaven if such language ought to have been used; and these sentiments were re-echoed by his Colleague, and widely circulated in the north of England. But what said the noble Lord the Member for London, when he saw these right hon. Gentlemen breaking their pledges which they had privately and publicly given, to stand by the New Poor Law, whichever party was in power. On the Motion of the hon. Member for Sussex (Mr. Darby) to allow out-door relief to persons who had married before the passing of the Act, and had families, the noble Lord (Lord J. Russell) said,—

> "He considered it to be at variance with every other clause in the New Poor Law Act. It was a renewal of the worst part of the old system — the allowance system. It would expose the new law to universal relaxation, and would in that respect alone be productive of the most pernicious consequences. It would create great dissatisfaction among the labourers, as it would divide them into two distinct classes, one of which would be entitled to relief out of the workhouse, and the other not, and that, too, without the slightest reference either to the goodness or the worthlessness of their character. By the cogency of such arguments, and by the want of uniformity thus created in the system of Poor Laws, the House would be compelled to break down by degrees all the efficiency of the present law."

Sir, the House has "by degrees broken down all the efficiency" of that law. The New Poor Law is a dead letter; there is not such a thing in existence. There is one law in the north, another law in the south, another in the east, and another in the west. There is one law carried out in one Union by the Duke of This, and another in the next Union by Lord That; and the practice varies with the extent to which the Commissioners have ground the guardians into submission. The whole law is a farce. The noble Lord the Chancellor of the Duchy of Lancaster (Lord G. Somerset), hearing that speech of the noble Member for London, jumped up and—

> "Expressed his intention to support the Clause. So far was he from being willing to extend the authority of the Commissioners, that he had every desire to abridge it; for he would tell the noble Lord that he had no confidence whatever in the Poor Law Commissioners."

There were other Cabinet Ministers not then within these walls who have expressed themselves to be adverse to this law; and I remember being in this House during the last Session of Parliament when there were either eight or nine Gentlemen sitting on the Treasury Bench, who had either obtained their seats by violently abusing this law upon the hustings, or had spoken strongly against it in this House. I ask the right hon. Baronet (Sir J. Graham) whether Lord Althorp's solemn pledge has been kept, that as a general rule a man was not to be separated from his wife, or a child from its mother, nor paupers to have their heads shaved, or be compelled to wear badges? And I know that these indignities and insults have done more to arouse the spirit of disloyalty and dissaffection among the masses in this country, than all the other evils put together which have been heaped upon them under the administration of this law. Have you not continued the allowance system?—You have; in the north of England you have been compelled to do it. You are enforcing the out-door labour test at Bradford; but the day will come when you will bitterly repent it; and you are not enforcing it at Leeds, a few miles off. Well might the noble Lord (Lord J. Russell) say, that this difference of treatment would "create great dissatisfaction among the labourers." Is it not disgusting that a law is now in force in England, which on one side of a brook treats the labourer with apparent consideration, and on the other with cold-blooded inhumanity? But Lord Althorp assured the country, when he introduced the measure, that wages would rise. What are the wages in the country now? Why, your labouring man in the agricultural districts is well off, if he obtain 7*s.* a week! Has the Poor Law raised wages, and redeemed that pledge? But I come to more startling facts. We were told by Lord Brougham that the New Poor Law was to eradicate poverty, to reduce the poor rates! I find by a Return I hold in my hand (the Poor Law Commissioners' Tenth Report) that the population of England and Wales in 1841 was 15,906,829. And now let the House listen to the following Returns, remembering that 1842 and 1843 have been good years in the manufacturing districts. The numbers relieved were—In 1842, in-door, 222,642; out-door, 1,204,545. Total, 1,427,187. The cost—Of the in-door, 934,158*l.*; of the out-door, 3,090,884*l.* Total, 4,025,042*l.* In 1843 — In-door, 238,560; out-door, 1,300,930. Total, 1,539,490. Cost—In-door, 958,057*l.*; out-door, 3,321,508*l.* Total, 4,279,565*l.* The increase of 1843 over 1844 being—In-door, 15,918 in number, and 23,899*l.* in cost; out-door, 96,385 in number, and 230,624*l.* in cost. Total, 112,303 in number, and 254,523*l.* in cost. Again, the parochial rates levied were—In 1834, 8,338,079*l.*; in 1837, being the minimum expenditure under the New Poor Law, 5,294,566*l.*; in 1843, 7,085,595*l.*; showing an increase in 1843 over 1837, of 1,891,029*l.*, and a decrease of 1843, as compared with 1834, of 1,252,484*l.* There was expended in relief—in 1834, 6,317,255*l.*; in 1837, 4,044,741*l.*; in 1843, 5,208,027*l.*; showing an increase in 1843 over 1837 of 1,163,286*l.* and a decrease of 1843, as compared with 1834, of 1,109,228*l.* I now wish to call the attention of the House to the expenditure of parochial rates otherwise than for the relief of the poor. In 1834 the expenditure otherwise than for the relief of the poor was 2,020,714*l.*; in 1837, it was 1,249,852*l.*; in 1843, it was 1,877,568*l.*; giving an increase of such expenditure in 1843 over 1837 of 627,716*l.*, whilst the decrease in 1843 over 1834 is only 143,146*l.* That is the result of your attempt to save the poor-rates of this country! Sir, I call the attention of the House to the price at which you have obtained this result. Lord Brougham, in moving the second reading of the Poor Law Amendment Bill in the House of Lords, gave a picture of the blessings which were to flow from this law. It would eradicate crime, it would put down poverty and pauperism, and prevent the noble Lord himself from becoming a Cumberland pauper. What is now the state of crime in England and Wales? I will read to the House an extract from the statistics compiled by Mr. Redgrave, from the Records of the Home Office, where the right hon. Baronet may see them to-morrow if he pleases. I have extracted them from the *British Almanack* for 1845, of the Society for the Diffusion of Useful Knowledge, Lord Brougham Chairman of the Committee. The amount of crime as evidenced by the commitments in 1836, was 20,984; in 1837, it was 23,612; in 1838, 23,094; in 1839, 24,443; in 1840, 27,187; in 1841, 27,760; in 1842, 31,309; in 1843, 29,591. The result is, that the increase of crime in 1842 over 1836 is 10,325, being six years after the New Poor Law came into operation. The increase in 1843 over 1836 is 8,607. I ask, again, has the New Poor Law diminished crime? This is a startling result, and must enforce conviction. I have made an extract from this book of the nature of the crimes, and there is a long catalogue of attempts to murder, unnatural crimes, rapes, robberies with violence, robberies attended with wounds, arsons, and other frightful offences; with a long enumeration of commitments for cattle stealing, horse stealing, sheep stealing, larceny in dwelling-houses, coining, forgery, and housebreaking, subsequent to the repeal, in 1832, of capital punishment for those offences. For the years 1830, 1831, 1832, the average was 1,444 commitments for offences of this description; in 1843, the total number of commitments was 1,735, making an increase in 1843 over the average of those three years, of 291. This increase has wholly taken place since the New Poor Law came into operation. In 1838, the repeal of capital punishment for attempts to murder and maim, for burglary, robbery, and arson, took place. The average number of commitments for those offences in the three years 1835, 1836, and 1837, was 807; in 1843, the total number of commitments was 1,696, or an increase of 889 over the average of those three years; that is to say, more than double the average of those three years were committed for these offences in 1843. But is that all that has occurred under the operation of the Law? Why, instead of a decrease, there is a frightful increase of crime; so much so, that you are obliged to have an extra winter assize to sweep off from the face of the public the monstrous mass. At the last York winter assizes, on the 29th of November ult., hear what Judge Coleridge said in his charge to the grand jury:—

> "Another cause for a winter assize, he lamented to say, must be considered to be the steady increase of crime throughout the country and in their own county; that increase, too, being not so much observable in crimes of a petty nature, as in those of a more serious character. Within the last eight years, the number of prisoners had nearly doubled in their own county; and, though it was true that

the population had increased, that the police were more efficient than formerly, and that capital punishment had in a great measure been removed, yet he did not think that it was possible, by the application of those facts, satisfactorily to explain away the great incubus which seemed to hang over them."

Here, then, we have this fact, that crime in the county of York has doubled during the last eight years. That is the period during which the New Poor Law has been in operation in Yorkshire. That is the result which the law which was to put a stop to crime has produced in my native county! Good God! what can the right hon. Baronet say in justification of this frightful state of things? Have you one word to say? You have rebellion in the north—you have incendiarism in the south—and rebellion again in Wales, staring you in the face, as the result of this law; and how are you to justify this state of things to the people of Rochdale? They will tell you that if, in spite of all this evidence against your law, you will persist in forcing it on them, you will have to take the same course as you adopted in Bradford—you will have to draw the bayonet and cut down the populace; but the feeling of the people of England, depend upon it, will be raised against any attempt to force this law upon the people of Rochdale in defiance of every constitutional principle, and in defiance of every feeling of justice. The right hon. Baronet declared the other night that there are 1,500,000 paupers, in England and Wales, existing on the poor rates. The right hon. Baronet also declared that the agricultural labourers are in a state of poverty which we can no longer with safety neglect. Sir, Lord Brougham said, in the speech to which I have alluded, that the time was when the English peasant dreaded the word "pauper" next to that of "felon." Sir, now the time is come when the British peasant flies from the precincts of an Union workhouse, exclaiming in wild despair—

"The workhouse! No!
A gaol, a gaol for me!"

I told you that, under the operation of this law, you had wrapped the south in flames; that you had produced a rebellion in the north; and the right hon. Baronet (Sir J. Graham) has himself declared that it produced the rebellion in Wales. But this is not all; infanticide has frightfully increased wherever the New Poor Law is enforced, and there is scarcely a week passes but the hon. Gentleman opposite, as Coroner for Middlesex, has to hold an inquest on some poor victim of the system who has died of famine. That crime is steadily on the increase: you have the evidence of a Judge on the Bench; and the extra winter assize which you have established shows that you admit this to be the case. I would quote the language of Lords Brougham and Grey in support of the conduct of the people of Rochdale, but I am unwilling to detain the House at this very late hour; but if the House will permit me, I will read to them from a speech of the First Lord of the Treasury what he said on the attempts to introduce this law into well-regulated parishes. This was just before a general election, when the right hon. Baronet was courting popular favour. On the 26th of March, 1841, the right hon. Baronet said—"He had always thought, that where there were immense masses of population well governed under Local Acts, it would not be found expedient to place them under the control of the Commissioners." That was just before the general election; but now that he is firmly seated on the Treasury Bench, with his majority at his back, what can he say to justify his present course? Sir, he must eat his words. It will not be the first time he has done so. I will also read to the House the opinion entertained of this law by Lord Chief Baron Pollock, who was an ornament to this House whilst he was in it, and now graces the Bench on which he sits. I hope, therefore, the House will allow me to repeat to them what Lord Chief Baron Pollock has said on this subject; and he was a man whom all the inducements of the Government could not drag up to the Table to say one word in favour of this law. He said, at the same time that the speech of the right hon. Baronet was delivered—"Great complaints had been made of the Poor Law generally."...."A Bill which might be good for the north might be injurious to the south. The evil which he and others complained of, was, the attempt made by the Commissioners to introduce the same law into every parish in the kingdom, without reference to local circumstances which might act in modifying the operation of that law." That was the opinion of Sir F. Pollock. You must prove what I have this night asserted to be incorrect; if you do not, how can you dare to introduce this law into Rochdale, with all the frightful evils which it has produced? You have sown the wind, and more than once you have reaped the whirlwind. A foreign foe may come: if you appeal to the people of England, will they answer you? At the bidding of their Sovereign, when England was threatened with invasion by a foreign foe during the French Revolution, the people rose in one mighty phalanx, bristling with bayonets ready to be turned against the foe, and formed an impregnable barrier on the shore of their native land, Appeal again to them, and you will find them disaffected and disloyal. [" No, no."] You have made them so. I repeat—appeal to them in your perils, and you will find them disaffected and disloyal. Are the agricultural labourers distressed? What makes them so but your tyranny? Treat them as your forefathers did, and so raise them to what they were before the introduction of the New Poor Law, and they will return to their ancient nature and their wonted loyalty,—they will easily forget and forgive, and be again a loyal people.

Sir *J. Graham* said: I have now listened to the addresses of the hon. Member for Rochdale on this subject several times, and on all those occasions I never failed to testify the respect for him which I have always felt; but on this occasion I perhaps may be permitted to advert to a practice—in order to prevent its being made a precedent — which the hon. Member has adopted, and which is very inconvenient, —I allude to the practice of deliberately putting upon the Order Book of the House the form of a Motion which an hon. Member gives notice he shall submit, and then at the last moment varying materially his terms of the Motion which he actually makes to the House. I certainly came down to the House thinking that we were to discuss the question whether we should hear counsel at the Bar on behalf of the people of Rochdale, according to the Notice of Motion of the hon. Gentleman; but now I find that the hon. Gentleman has altered his Motion and asks for a Select Committee. Sir, the hon. Member has shown very great industry in the elaborate speech he has made to the House; I have given it all the attention which is due to the hon. Member's station and to the importance of the borough he represents; but he must permit me to say that I have not heard, in the whole of that speech, one new argument or one new topic. I must be permitted further to observe, that the hon. Gentleman's speech is a speech against the existing Poor Law; it was well calculated to preface a Motion for leave to bring in a Bill to repeal that law, or at all events to introduce some Motion for a substantial Amendment of the existing law. The hon. Member said, this was not a local question; but he must pardon me for observing that his speech and his Motion owe their origin altogether to a dispute of a local nature. The hon. Gentleman made many injurious remarks, but it is evident that he has no practical acquaintance with the law. He talks of the Bill of Rights—of the rights of the people of England, and says, that the able-bodied poor are entitled to some relief in aid of their wages; yet the hon. Gentleman's experience on this claim of right in his own part of the country amounts to nothing. There destitution does not entitle the labourer to relief in aid of wages; there property is not compelled to pay the slightest dole by way of rate in aid of wages. Here, it is true, we live under a different law; but when the hon. Gentleman lectures us on our law, it would be well if he understood and attended to those habits of the people which modify the law. But to come to the subject of the Motion: as early as the year 1837, the Poor Law was first began to be carried into operation at Rochdale, and a Board of Guardians was constituted; they exercised various rights; they appointed a clerk, a surgeon, a registrar of births and marriages, and fixed the salaries to those situations; they have dismissed officers they thought not altogether worthy, and they have exercised several acts of power as a Board of Guardians from 1837 down to the present time. A general law was passed for the administration of relief throughout the whole of England and Wales. There are some exceptions in the Gilbert Unions and Local Acts, where the provisions of the Poor Law are not carried into effect; but Rochdale is not one of these cases. In Rochdale there is neither a Gilbert Union nor a Local Act. The hon. Member asked me if I would consent to any particular inquiry with reference to the poor of Rochdale. I have already told the hon. Member that the provisions of the New Poor Law have been partially carried into execution there for five years. At present, the course of the administration of his Poor Law at Rochdale is a question for adjudication in the Courts of Law. A *mandamus* has been moved for to compel the Board of Guardians to execute the law and be responsible for the relief of the poor. In that district the law is now inoperative from the resistance of the Board of Guardians. The Guardians are bound to execute the law, and it is my duty to see the law carried into execution. There has been resistance to the law; an appeal has been made to the Commissioners, and a *mandamus* has been issued and served on the Rochdale Board of Guardians to compel their obedience. They have refused submission, and made a return to that *mandamus*. At this moment the Crown has traversed to that return, and an issue is to be tried at the Liverpool Assizes. That issue being about to be tried within a fortnight, it would be unbecoming in the House, under such circumstances, to enter into the question. Certainly, at this hour of the morning I do not wish to detain the House further on a question which is purely a local one, and which is awaiting the judgment of the proper tribunal.

Mr. *Bright* said, he was a ratepayer of the parish, and was acquainted with the circumstances under which this memorial had been raised. He could bear the fullest testimony to what had been said by the hon. Member for Rochdale, that there was a common dislike to the introduction of the New Poor Law. The right hon. Baronet said quite truly that there was no Poor Law in operation there, save the general law for the relief of the poor, and that law was in abeyance at this time; ninety-nine persons out of every one hundred in that parish were more or less hostile to the introduction of the law: and more than that, there was a general feeling among those who paid the rates, that the interests of the poor and of the ratepayers had been very well and wisely attended to by the vestries under which the old law was carried out. He said this with perfect impartiality, for he was one of fourteen who did not sign the petition presented to the House, and he had not in any way encouraged the opposition to the law. But he was bound to say, that among all classes of the people there was but one feeling with regard to its introduction; all had a very excusable attachment to the old forms of local government and a dislike to the government of the Commissioners. They had some occasion to be afraid of the Commissioners; for, although in some cases their authority had been useful, never was any law of great importance carried into execution with a more total disregard of the feelings of the people and of the circumstances under which the law was to be applied, than had been shown by the Poor Law Commissioners who had the direction of this great measure.

Captain *Pechell* regretted that the right hon. Baronet had almost repeated the same words as he had used when the hon. Member for Rochdale opposed the second reading of the Poor Law Bill. The law proceedings which were going on, gave no ground for rejecting the Motion. These parties had now come before the House to state the grievances they complained of. Although a local question, it was one in which all places not under the power of the Commissioners had a right to join, because it would not be very long after the wedge was introduced before every place now under Local Acts would be placed under the power of the Poor Law Commissioners. In all these places, wherever the New Poor Law had been attempted to be introduced, the people were united in resisting it. The people actually preferred going to prison rather than be detained in the workhouses. What a lamentable picture did the Report of the visiting justices of the town of Devizes present! Paupers had been sent to that prison not decent as to their clothing, or in a fit state of health; and the visiting Justices had made a report by their chief magistrate, that people were sent to prison in a state of destitution, and that they committed crime in order to get into prison. The right hon. Gentleman no doubt thought it right to give no reason for the refusal of the Motion, because a *mandamus* had been issued. But the Guardians would resist that *mandamus*, and there was not a Guardian who was not prepared to go to gaol rather than give way. He appealed to any Gentleman from that part of the country if that was not the feeling. He had no doubt they would be able to pay their way, and defeat the Poor Law Commissioners in the Court of Queen's Bench.

Colonel *Sibthorp* supported the Motion. He had always considered this a most oppressive law, and interfering unnecessarily with the rights of the poor. He did not agree with the hon. Member for Knaresborough in one expression which he had used with regard to the disloyalty of the people. He was one who thought that Englishmen would be Englishmen under every trial, and that the poor would suffer any hardships rather than be disloyal. He hoped that the Poor Law Commission would be done away with altogether, and a vast amount of useless expense be saved.

General *Johnson* said: If the hon. Member for Rochdale divided the House on the Motion, he would vote in its favour. He was convinced that the feelings of the people of this country had been very materially changed by the Poor Law; and the longer it was continued, oppressive as it was in its operation, the more extensive would be the evils it produced. It could not be denied that the New Poor Law had failed to effect every object for which it was intended. Had it increased the rate of wages?—had it improved the condition of the labourer?—had it raised the morality of the country?—had it reduced the amount of rates? He was not aware that it had benefited any one, except the officers of the Unions, who absorbed a very considerable portion of the money which ought to be applied to the relief of the poor. He thought it must be evident to the right hon. Baronet (Sir J. Graham), that whatever evils existed under the old law, the New Poor Law had effected no improvement; and he hoped the right hon. Gentleman and his Colleagues would turn their attention to the subject, and remove the administration of the Poor Law from the rule of the Commissioners. The law was daily becoming more unpopular mong all classes; it had long been obnaoxiousto the poor, and now it was becoming equally obnoxious to the ratepayers themselves. He hoped some alteration might be made which would reconcile the poor to the operation of the law.

Mr. *Borthwick* would not detain the House longer than to state his reasons for voting for the Motion of the hon. Member for Rochdale. The right hon. Baronet (Sir J. Graham) had said to-night—what he was in the habit of telling them when questions of this nature were under discussion—that, after all the labour and attention devoted to the subject by the hon. Member for Rochdale, he had not said anything new. He would admit that the speeches of the right hon. Baronet and his Friends did not possess this characteristic; for the grounds on which they defended this law were most variable and diverse. He would remind the right hon. Baronet that truth was ever old, and altogether unchangeable, and that those who were her advocates—if really and truly her advocates—must repeat the same things year after year. He hoped the right hon. Baronet would vote for this Motion; he certainly ought to do so, and he would tell the right hon. Gentleman why. The right hon. Baronet asserted that the old law did not work so well as the New Poor Law. Then, let them have the Report of the Committee proposed by his hon. Friend opposite, on the working of the simple old Poor Law in Rochdale; and let them compare the condition of that place with those districts of England where the New Poor Law had been introduced, and was in operation.

Mr. *Entwisle* thought the petition of the inhabitants of Rochdale scarcely received proper respect when it was considered in so thin a House, and treated so lightly. He would give his support to the Motion of the hon. Member for Rochdale; for the instances adduced in that House had fully evidenced the hardship of the Poor Law, and the horror with which it was regarded by the great mass of the people. He would appeal to the right hon. Baronet whether so strong a feeling of opposition and dislike, exhibited by so large a proportion of the population, ought to be disregarded.

The House divided:—Ayes 16; Noes 59: Majority 43.

List of the AYES.

Ainsworth, P.
Blake, M. J.
Borthwick, P.
Duncombe, T.
Entwisle, W.
Escott, B.
Hanmer, Sir J.
Hindley, C.
Johnson, Gen.
Manners, Lord J.
Morris, D.
O'Conor Don
Paget, Lord A.
Pechell, Capt.
Sibthorp, Col.
Williams, W.

TELLERS.

Ferrand, B.
Crawford, S.

List of the NOES.

Acland, Sir T. D.
Alford, Visct.
Arundel and Surrey, Earl of
Baird, W.
Baring, rt. hn. W. B.
Boldero, H. G.
Bowles, A.
Bowring, Dr.
Brotherton, J.
Bruce, Lord E.
Buller, Sir J. Y.
Cardwell, E.
Clayton, R. R.
Clerk, rt. hn. Sir G.
Compton, H. C.

Corry, rt. hon. H.
Denison, E. B.
Dickinson, hon. H.
Fitzroy, hon. H.
Forbes, W.
Gaskell, J. M.
Gladstone, Capt.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenhall, P.
Hale, R. B.
Hamilton, W. J.
Hope, G. W.
Hussey, T.
Hutt, W.
Jermyn, Earl
Legh, G. C.
Lincoln, Earl of
Mackenzie, W. F.
Marsham, Visct.
Martin, J.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Meynell, Capt.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Packe, C. W.
Patten, J. W.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Shaw, rt. hon. F.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Stuart, H.
Sutton, hon. H. M.
Thesiger, Sir F.
Trotter, J.
Vivian, J. E.
Warburton, H.
Wawn, J. T.
Wood, Col. T.

TELLERS.

Young, J.
Lennox, Lord A.

House adjourned at one o'clock.

HOUSE OF COMMONS,

Wednesday, March 12, 1845.

MINUTES.] BILLS. *Public.*—1°· Calico Print Works.
2°· Sugar Duties; Customs (Export Duties); Justices' Clerks and Clerks of the Peace.
3ª and passed:—Property Tax.
Private.—1°· London and Greenwich Railway; York and North Midland Railway (Doncaster Extension); Oxford Mileways; Sheffield and Tinsley Canal; Sheffield and Lincolnshire Junction Railway; Glossop Gas; Black Sluice Drainage and Navigation; Blackburn and Preston Railway; Saint Helen's Improvement; Liverpool Guardian Gas; Newark and Sheffield Railway; Paisley Gas; Newport and Pontypool Railway; Sheffield, Ashton-under-Lyne, and Manchester Railway; Calton and Bridgeton Police; Standard Life Assurance Company; Hartlepool Pier and Port; Southwark and Vauxhall Water Company; Shelsley Road; London Orphan Asylum; Falmouth Harbour Improvement; Bristol (Redcliff) Bridge; Watermen's Company (Poor's and Endowment Fund); Kidwelly Inclosure.

PETITIONS PRESENTED. By Sir E. Hayes, from Protestant Inhabitants of Clonheigh, for Encouragement to Church Education Society (Ireland).—By Lord Ashley, from Congregation of Holy Trinity Church, Idle, by Mr. Colvile, from Newhall, and by Mr. Maxwell, from Grand Jurors of County of Cavan, against Increase of Grant to Maynooth; by Mr. Baskerville, from Dean and Chapter of Hereford Cathedral, and by Viscount Clive, from Tiberton, against Union of Saint Asaph and Bangor.—By Mr. Wakley, from H. C. Roods, Surgeon, of Great Russell Street, Bloomsbury, for limiting the duration of Property Tax to one year.—By Sir George Grey, from Devonport, and by Mr. Hutt, from Gateshead, for Repeal of Window Duty.—From 4 places in Monmouthshire, in favour of County Courts Bill (1844).—By Mr. W. Browne, from Michael James Foley and others, of Anglont, County of Kerry, for Alteration of Law relating to Fisheries (Ireland).—By Mr. Henry Stuart, from Bedford, for Repeal of Insolvent Debtors Act.—By Mr. Cripps, from Justices' Clerks and others, and by Mr. Craven Berkeley, from G. E. Williams, Esq., of Cheltenham, against the Justices' Clerks and Clerks of the Peace Bill.—By Mr. Parker, from Sheffield Peace Society, against Increase of Naval and Military Establishments.—By Mr. Brotherton, from Guardians of Salford Union, against Parochial Settlement Bill.—By Mr. Aldam, Lord Ashley, Mr. Bouverie, Mr. Brotherton, Sir John Lowther, and Mr. O. Morgan, from a great number of places, for Diminishing the Number of Public Houses.—By Mr. Pakington, from Proprietors of Droitwich Canal Navigation, for regulating charges by Railway.—By Mr. Forbes Mackenzie, from Presbytery of Peebles, for Improving the Condition of Schoolmasters (Scotland).—By Mr. Ward, from Committee of Sheffield Auxiliary Peace Society, against Armed Interference of the Slave Trade.—By Mr. Mackinnon, from Police Commissioners of Glasgow, and Inhabitants of Frome and Glasgow, in favour of the Smoke Prohibition Bill.

HARDSHIPS UNDER THE INCOME TAX.] Mr. *E. Ellice* rose to put a question to the right hon. Gentleman the Chancellor of the Exchequer on the operation of the Income Tax. A benevolent society for widows and orphans, established in Fife for more than a century, had been charged with the tax, although the income was very much below 150*l.* a year. It had appealed to the Commissioners, who dismissed the appeal, and confirmed the assessment, on the ground that the property of the society was not vested in Government securities. There was an exception, however, that persons receiving pensions under 150*l.* a year might obtain a return of the tax; but the truth was, that the pensions were, in some cases, not more than 5*s.* a year. He wished to ask the Chancellor of the Exchequer this plain question—whether it were contemplated by Government that a society like this, founded for purely benevolent purposes, with an income of less than 150*l.* a year, should be subject to the tax?

The *Chancellor of the Exchequer* said that the case was a peculiar one. The Property Tax Act made an exception in favour of all enrolled friendly societies whose property was invested in public securities; but this voluntary association of Fife had invested its funds in lands and mortgages, so as to take it out of the exception. Of course, upon such small fractional sums as the hon. Member had mentioned, it must be very difficult to obtain a return of the tax; but within the last hour, he (the Chancellor of the Exchequer) had communicated with the Tax Department; and he hoped that, even as the law stood, it would be possible to grant the relief sought.

Mr. *T. Duncombe* wished to call the attention of the right hon. Gentleman to what appeared to him a manifest injustice; to which he trusted a remedy might be applied. The Department of Legacy Duties and the Assessments upon Incomes were under the same Commissioners at Somerset House; and he would put this case. A person, sixty-four years old, had an annuity left him of 1,000*l.*; and in the market it would be worth 8,030*l.* The duty of 10 per cent. upon the annuity was 803*l.*, which the party was allowed to pay in four years, at the rate of 200*l.* 15*s.* per annum. His income was thus reduced to about 890*l.* a year; but, nevertheless, he was called upon to pay the Income Tax upon the whole 1,000*l.* a year, as if no deduction had been made from it for legacy duty. This was palpably unjust; and he should be glad to know if the right hon. Gentleman was prepared to give instructions to the Commissioners to remedy the injustice? He had another question to put, which he had no doubt the Chancellor of the Exchequer would be ready to answer. During the last three years, since the passing of the Income Tax Act, there had been in the Office of the Stamps and Taxes, for the purpose of making the assessments, copies of the Bank of England dividend books. It had been always supposed, that these books were sacred, and that they were kept only at the Bank of England; that it was competent for the Board of Commissioners to obtain extracts from them; but that no copies were to be in their control. The fact that the Commissioners had such books, he believed, was not generally known; nor was it known to the public, that some thirty or forty clerks had access to them, and could thereby ascertain what any individual possesed. There had been of late not a few instances of forgery; and some curiosity had been excited on the point how the offenders came by their knowledge; in future, however, there would not be the same difficulty; for if the books were open to the eyes of thirty or forty clerks, it was evident that means of information would be easily accessible. ["Order."] He might not be strictly in order, but if he were not, he had only to wait till the next Motion, and then make his remarks. However, he would now only put his questions: first, as to the injustice in charging the Income Tax upon a sum deducted for the legacy duty; and next, as to the copies of the Bank dividend books in the hands of the Commissioners.

The *Chancellor of the Exchequer* regretted that the nature of the questions had not earlier been communicated to him, as he would have taken care to be in possession of the facts. As to the first point, all he could do was to say that he would make the necessary inquiries. As to the inspection of the books of the Bank he apprehended that the hon. Member was mistaken—that there was no copy in the hands of the Commissioners; but that when they wanted information a Bank clerk attended them, and supplied it by reference to the books. On this point, also, he would furnish himself with more precise information.

ACCIDENTS IN COAL MINES.] Mr. *T. Duncombe* referred to the petition he had presented yesterday from 3,000 colliers of Durham, when he had stated that he would ask for further information to-day. The petitioners complained of the bad ventilation of coal mines, in consequence of which so many fatal accidents had occurred. The right hon. Home Secretary had sent down Commissioners to investigate the causes of a recent and most calamitous event of the kind; and the petitioners were anxious to know whether the attention of the Government had been directed to the subject, with a view to the introduction of a measure which may better secure the lives of persons employed in coal mines? If not, whether they would object to the appointment of a Select Committee to take the matter into consideration, and make the necessary inquiries? The petitioners seemed to be of opinion that inspectors ought to be appointed who had no local interest.

Sir *J. Graham* observed, that the disastrous case to which the hon. Member had referred, appeared to Government to require special investigation. Two men of science and reputation—Messrs. Faraday and Lyall — had, therefore, been sent down to make inquiries; and the hon. Member was probably aware, that they had made a Report in great detail as to the cause of the catastrophe—they had also suggested certain remedies. Copies of that Report had been sent down to the Lieutenants of counties in which coal mines existed, in order that they might be communicated to the coal-owners, and those coal-owners were invited to give any hints or information. Several objections had thus been stated, and reasons had been given why the proposed remedy would not be efficient or practicable. He had received within the last week three

Reports from the coal-owners of Tyne and Wear, suggesting remedies, and stating the reasons for the views they entertained as to some of the remedies which had been suggested by the Commissioners, and he had forwarded those Reports to Messrs. Faraday and Lyall. He could assure the hon. Member that the subject had received the anxious attention of the Government; and if the hon. Member would, at a future period of the Session, inquire the result of the investigations, he should be glad to give him all the information in his power.

SMOKE PROHIBITION BILL.] Mr. *Mackinnon*, after presenting petitions in favour of the Smoke Prohibition Bill, moved the second reading; expressing a hope the House would allow the Bill to be read a second time, and take the discussion at a future stage.

Mr. *Hawes* wished the Bill to be referred to a Select Committee.

The Earl of *Lincoln* did not think that any advantage would be gained by taking the second reading then, and the discussion upon going into Committee. He had made inquiries as to the practicability of abating the nuisance complained of, and within the last few days he had received additional information on the subject; but, nevertheless, he was not then prepared to enter into any particular consideration of the merits of the Bill. There was another reason why he wished the second reading to be adjourned. The House was aware that measures of a similar nature were contemplated by the Government; and the subject of his hon. Friend's Bill might be materially affected by the measures which the Government intended to propose. Under these circumstances, he hoped his hon. Friend would postpone the second reading of his Bill until after Easter.

Mr. *Muntz* hoped the hon. Gentleman would take the noble Lord's advice, and also that he would alter his Bill in some important particulars. It was absurd to attempt, by legislation, to put down a nuisance which was so small that it was necessary to have inspectors to find it out.

Mr. *Wakley* said, the principle of the Bill was universally approved of. Smoke was every where found to be a great nuisance. It was quite notorious that it might be got rid of, and it was in the power of Parliament to accomplish so desirable an object. He thought the best way of settling the matter satisfactorily was to refer the Bill to a Select Committee.

Sir *R. Peel* would suggest that hon. Members should read the Report of the last Committee, and then they would be able to judge if any further evidence was was required. The hon. Member for Finsbury seemed to have spoken under the impression that there had been no Report. He understood there were two or three different modes of abating the nuisance.

Mr. *Bright* said, there was a general feeling that the settlement of this question was a very easy matter. He thought that the perusal of the Report showed the extreme difficulty of legislation upon the subject. There was the greatest difference of opinion as to the principle of the Bill, and no lawyer in Wesminster Hall could explain its meaning. He thought the House might employ itself much better than in this peddling legislation, which never could be attended with useful and permanent results. He trusted, therefore, that the hon. Member would withdraw this Bill, and turn his attention to some more useful project of legislation.

Mr. *Mackinnon* was surprised to hear the observations that had fallen from the hon. Member who had just sat down; and it was quite evident he was not aware that a local Bill, having the same enactments as this, had been adopted by Manchester and Leeds. He believed there could not be a second opinion that smoke was a nuisance which could very easily be abated. He should accede to the request of his noble Friend, and postpone the second reading of the Bill.

Mr. *Cobden* said, the hon. Member, in referring to the remarks made by his hon. Friend the Member for Durham, had stated that similar provisions to those contained in his Bill were in force in Manchester. Now, he believed the Corporation of that town had power to enforce similar provisions, but they had postponed enforcing them until the present month of March. His hon. Friend had formerly suggested to the hon. Member, and he would now repeat the suggestion, whether it might not be advisable to postpone this measure until the result of the experiment about to be made in Manchester had been ascertained. The people of Manchester were strongly in favour of putting down the smoke nuisance, and the hon. Member would therefore find them ready to co-operate with him.

Second reading postponed.

PROPERTY TAX.] On the Order of the Day for the third reading of the Property Tax Bill being put,

Mr. *Wakley* rose and said, that on a former occasion when the Property Tax was discussed, the hon. Member for Lambeth had referred to some injustice which had been done by the Commissioners to the hon. Member for Oldham—he meant Mr. Fielden. Since then he had received a letter from the hon. Member on the subject, and in order to make the case complete, he would read an extract from this letter to the House. The hon. Member stated that this year the same Commissioners, those who had treated him so severely before, had received a return from the firm to which the hon. Member belonged for three years, ending December, 1843, but the Commissioners were not satisfied with assessing them at 12,000*l.* profit as in the previous two years, for they had now doubled the amount, and sent them in a charge for 24,000*l.* The hon. Member added,—

> "I appealed against it in November last, and showed them a true statement in writing, which exhibits our loss at 24,000*l.* on the average of the three years, instead of a profit to that amount. The Commissioners wished the case to stand over until after Easter, to which I assented; but yet they have sent in and demanded the money."

Now, really the operation of a tax of that kind was calculated to create in the public mind the greatest possible discontent. Every person must feel the injustice of it, and though the Amendments which had been pressed on the House were rejected, he hoped the Commissioners residing in the country, who acted in this outrageously unjust manner, would receive some intimation from head-quarters which would check them in their course. Nothing could be more monstrous than this proceeding. Mr. Fielden had designated it as a robbery, a robbery under the sanction of the law, but nevertheless a robbery; and if there were any parties who had any general control over those Commissioners, he trusted that some intimation would be given to them which would check them from putting the law in practice in a manner which must produce so much dissatisfaction, because of its great injustice.

General *Johnson* said, it was necessary that some alteration should be made in the law, because it was so oppressive that people in trade did not know what they were about. If persons did not know what they were worth, and if they offered to produce their books in case what they said was disputed, and a sum was still levied upon them at the will of the Commissioners, those persons must give up their entire property to the will of the Commissioners. This was a most unjust and iniquitous proceeding towards his Colleague, who was in a large way of business, and who was surcharged to an amount of 24,000*l.*, when he had actually lost that sum. He knew the statement of his hon. Colleague to be perfectly true.

The *Chancellor of the Exchequer* had never heard of the circumstances to which the hon. Gentleman the Member for Finsbury had adverted till that moment when he had heard the statement. He did not know how that case arose, and knowing nothing of the circumstances, it was out of his power to satisfy the House with respect to it. But he knew this, that there was a power of bringing the case before the Commissioners of Somerset House, by an appeal, of which Mr. Fielden might have availed himself, to correct the error of the Commissioners in the country. The case was, therefore, not without a remedy; and he begged leave to point out that as the best remedy to which Mr. Fielden could have recourse to rectify the error of which he complained. There was an independent authority in the Commissioners in London to inquire into the circumstances, and to apply a remedy.

Mr. *Wakley*, in explanation, said, that Mr. Fielden stated that he had appealed against this 24,000*l.* surcharge; and, he added, that the Commissioners wished the case to stand over until Easter, to which Mr. Fielden assented, and notwithstanding this they had demanded the amount. He made no general accusation against the Commissioners, as he knew, in the metropolis, that they behaved with great forbearance, and between 70 and 80 per cent. of the appeals had been allowed in his own district.

Mr. *Bernal* said, the hon. Member for Finsbury had not complained of the absence of appeal from the local Commissioners; but the case of the hon. Member for

Oldham was, that these Commissioners proposed that the case should stand over until after Easter, and, in the mean time, sent another demand for the tax. It was certainly a case which demanded the attention of the superior authorities.

Sir *R. Peel* said, that the Lords of the Treasury and the Commissioners of Somerset House were exceedingly desirous to obviate any inconvenience to which those who had to pay this tax might be exposed. If there were sufficient grounds for objection, the party on whom the demand was made might apply to two tribunals—the Special Commissioners and the Commissioners at Somerset House. He trusted that in the case of the hon. Member for Oldham, the Treasury would be able to afford redress. If he understood the hon. Member for Durham, he conceived that the Act gave no option of appeal from the local Commissioners. The Government had appointed the local Commissioners, because they thought that the appointment of Government officers would be less acceptable to the country. At the same time, it was possible that some individuals might have rendered themselves obnoxious in the particular districts in which they resided; but in such cases it was erroneous to suppose that there was no relief, for there was a power of appealing to another authority which could not be influenced by local prejudice, and whose only desire was to do justice.

Bill read a third time.

Mr. *Spooner* then rose to complain of an evil in the operation of the tax, to which he thought a remedy might be adapted. The evil of which he complained arose from these words of the Act,—

> "And, whereas, by the said recited Act it is provided, in the first rule of Schedule D, relating to deductions, that no sum shall be set against or deducted from the profits or gains arising under that Schedule for any disbursements or expenses of maintenance of the parties, their families, or establishments."

As that clause was constructed (and he believed it was the only legal construction which could be put upon it) it had the effect, where the master of a family carried on a small business, were it a shop or a small manufactory, and employed in it members of his own family, he was not entitled to deduct the profits of that employment or even the value of the labour of those individuals. To a certain extent there was an exemption from this rule; namely, where children were supposed to be of an age to be able to take care of themselves. If they continued to work for their parents, and were really and *bonâ fide* paid salaries, the amount of their salaries was exempt from the tax. But he complained that where the wife and the younger children were almost entirely occupied in carrying on the business of a shop or manufactory, it was only fair and just that the persons who so employed them should have the same benefit and advantage of deducting the expense and value of their labour from the profit of it, as a man without family had who was obliged to employ this labour and pay for it. It was putting a man without family in a better situation than his neighbour. The remedy which he proposed was this;—that the Commissioners should have a power to make such deductions from the returns of a man's profits as should seem to them just. The present system created very great injury to individuals, and caused increasing objections to the inequalities of this tax. He was aware of the inconvenience of bringing forward the clauses he was about to propose on the third reading of the Bill; but, if he had had the opportunity, he would have brought them forward in Committee. He knew he should be first met with the commonplace objection, that the change he proposed would open the door for fraud? He would meet that with the commonplace answer, what was the use of all their expensive machinery for the collection of the tax if it were not sufficient to enable them to do justice and prevent fraud? He considered that the way in which this clause was construed was contrary to the original intention of the Act. That Act had two objects—one was to lay a tax on the profits arising from the use of capital, and the other was to raise a tax from the produce of the labour of the individual. In the cases to which he was drawing attention the tax upon capital must be pretty nearly out of the question; the profit was made almost entirely by industry and labour. But in these cases the profit was not received from the labour of the individual, but from the aggregate labour of individuals; and if they separated the labour of these individuals, they would find that not any one of them was subject to the tax. It was contrary to the spirit and intention of the Act that they should class into an aggregate the profits of several, and subject that aggregate to the tax. Another objection which might be urged to what he proposed was—"if we once begin to make alterations we shall find it impossible to meet the number of applications that will be made to us." He thought there was nothing in that objection. They must be just; they had no business to be unjust in order to have speedy legislation. If more time were required, why had they not been called together earlier, in order to afford the time before the 5th of April for the necessary legislation? Let them not be told that because the 5th of April was at hand they must hasten through the business of legislation and do injustice. But this objection was gone from under the feet of the Chancellor of the Exchequer, because the applications were numbered; he saw all that could be made on the Paper that night, and he therefore prayed that each might have that deliberate consideration which it required, and which he hoped the House would sanction. There was one more objection which might be made to the clause which he was about to propose. The Chancellor of the Exchequer need not be afraid that this alteration would in any way infringe on his principle of finance. The amount lost to the revenue would be trifling; but the amount was very large to individuals. It made a difference of the whole tax to them, because it applied to them a principle which was erroneous. He hoped the House would give him credit for not bringing forward these objections in order to retard the measure. He felt that he was sent there to represent the interests of a great body of constituents, who ought not to be told that, because their number made them important, and not their rank or privileges, therefore the House of Commons ought not to notice them. The hon. Gentleman concluded by moving the first Clause of which he had given notice:—

> "Be it Enacted, that from and after the passing of this Act, whenever the person or persons so liable to be charged under the said Schedule shall employ any member or members of his family in carrying on his trade or profession, it shall be lawful to deduct such sum or sums of money as would have been a fair remuneration for such employment if any other person had been so employed."

Mr. *Muntz* had great pleasure in seconding the Motion of his hon. Colleague. He trusted that the Government would not consider that the proposed clause involved any principle contrary to the spirit of the original Bill. He could assure the House that though the alteration might not affect any large class in some districts of the country, it was of very considerable importance to a numerous body of small manufacturers among his constituents, who were in the habit of getting much of their work performed by the members of their own family without whose aid their business might be considered as absolutely profitless. He trusted, therefore, that the House and the Government would not press upon the industrious and deserving class to whom he alluded, a tax which was unbearable by them.

Clause read a first time.

On the question that it be read a second time,

The *Chancellor of the Exchequer* said, he could assure his hon. Friend (Mr. Spooner), that he gave him full credit for the spirit in which he brought his Amendments before the House. He could also assure his hon. Friend, that he did not resist his Motion on any of the grounds which his hon. Friend had alluded to. He would not say that the House had not time to be just. He agreed with his hon. Friend that they had time, and that they ought to have time, to act justly towards all parties who had claims upon them. But he resisted the Motion, because he believed the law as it already stood could be administered without operating unjustly upon the classes alluded to by his hon. Friend. The proposition of his hon. Friend was, that persons assessed under Schedule D should be allowed to deduct from their profits a certain allowance for the maintenance of the members of their families who laboured for them. It was not allowed to any person assessed under the Income Tax to make deductions on account of the maintenance of his family. His hon. Friend admitted in the early part of his speech, that any person who employed any members of his family, and paid them for the work which they did for him, had a right to claim exemption from the tax to the amount which he so paid away; and in those cases the law made no distinction as to whether the member of the family so paid resided with the head of the family or not. Therefore, when exemptions of this kind were required, all that it was necessary to prove was, that the payment so made was a *bonâ fide* transaction. His hon. Friend said that there would be nothing easier than for the Government officer to make a just allowance in favour of the owners of families who claimed exemption on account of work done by their wives and younger children. But he would ask, was there anything that could make the tax more oppressive and injurious than giving the Commissioners such an inquisitorial power as that for which his hon. Friend contended ? It would be giving authority to the Government officer to interfere with the domestic arrangements of families, and would no doubt be the source of much complaint and annoyance. As he was on his legs, his hon. Friend would perhaps allow him to refer to another clause of which he had given notice. That clause was in these words,—

> "And whereas, it is enacted by the said recited Act, that the rental or parts of rental of premises used for the purpose of trade may be allowed as a deduction from gains and profits ; be it enacted, that from and after the passing of this Act, a similar deduction shall be made for sums paid for poor rates and other parochial and local rates."

He had no hesitation in saying that under the Act as it originally stood, all rates on premises used for the purpose of trade were among the deductions to be allowed ; he therefore thought the second Clause of his hon. Friend quite unnecessary, and that it had been been brought forward under a mistake. With regard to the question immediately before the House, he should again repeat that he did not think the injustice of which his hon. Friend complained, was consistent with the spirit of the Act, and he could not therefore give his support to the clause proposed to be introduced.

Mr. *Spooner* said, the right hon. Gentleman had misunderstood him. The right hon. Gentleman said that he (Mr. Spooner) proposed to introduce the taxgatherer into every man's dwelling to inquire what part of his family was employed by him or not. He (Mr. Spooner) had not made any such proposal. All he said was, that the Government officer had before him, at the time of appeal, the returns from all those engaged in the same trade within the same district, and that he therefore had the power of ascertaining by comparison what it would be just for him to allow in any case. With regard to his 2nd Clause, he would not take up the time of the House with it after the declaration of his right hon. Friend ; but he could assure him that it was not a partial or a local, but a general, and he might say an universal mistake, that these local burdens were not to be deducted. He himself had seen instructions from the Board to the Commissioners for general purposes, that they were not to allow for poor rates ; that they were burdens not incident to trade ; that they belonged to the poor, and varied according to the extent of the demands upon them ; and that they were not payments absolutely necessary for the purposes of trade. He (Mr. Spooner) had made inquiries in two or three places out of his own district, and he found that rent was allowed for ; but not poor rates or local burdens, because the Act of Parliament, by mentioning rent, was considered to exclude all other burdens which it did not mention.

The House divided :—Ayes 39 ; Noes 151 : Majority 112.

List of the AYES.

Anson, hon. Col.
Barclay, D.
Barnard, E. G.
Benbow, J.
Bouverie, hon. E. P.
Bowes, J.
Cowper, hon. W. F.
Curteis, H. B.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Entwisle, W.
Farnham, E. B.
Ferguson, Col.
Hallyburton, Lord J. F.
Hill, Lord M.
Johnson, Gen.
Martin, J.
Mitcalf, H.
Morris, D.
Murray, A.
Napier, Sir C.
O'Brien, A. S.
Paget, Col.
Palmer, R.
Pattison, J.
Plumridge, Capt.
Ponsonby, hon. C. F. A.
Rice, E. R.
Rumbold, C. E.
Somerville, Sir W. M.
Stanton, W. H.
Thornely, T.
Townley, J.
Turner, E.
Wakley, T.
Wyse, T.

TELLERS.

Spooner, R.
Muntz, G. F.

List of the NOES.

A'Court, Captain
Aglionby, H. A.
Astell, W.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baldwin, B.
Baring, T.
Baring, rt. hn. W. B.
Barrington, Visct.
Bell, M.
Beresford, Major
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brotherton, J.

Bruce, C. L. C.
Bruges, W. H. L.
Buckley, E.
Buller, E.
Busfeild, W.
Cardwell, E.
Charteris, hon. F.
Chetwode, Sir J.
Clay, Sir W.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Clive, Visct.
Cochrane, A.
Codrington, Sir W.
Colebrooke, Sir T. E.
Collett, W. R.
Compton, H. C.
Copeland, Ald.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Duncombe, hon. A.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Fitzroy, hon. H.
Flower, Sir J.
Forster, M.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone, Capt.
Gordon, hon. Capt
Gore, M.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Halford, Sir H.
Hamilton, W. J.
Harris, hon. Capt.
Hawes, B.
Hayes, Sir E.
Heneage, G. H. W.
Hepburn, Sir T. B.
Herbert, rt. hon. S.
Hinde, J. H.
Hogg, J. W.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, G. W.
Ingestre, Visct.
Inglis, Sir R. H.
James, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Langston, J. H.
Lawson, A.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Long, W.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
M'Neill, D.
Manners, Lord J.
Marsham, Visct.
Marsland, H.
Meynell, Capt.
Morgan, O.
Neeld, J.
Neeld, J.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Packe, C. W.
Pakington, J.S.
Palmer, G.
Parker, J.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pollington, Visct.
Powell, Col.
Pusey, P.
Reid, Sir J. R.
Repton, G. W. J.
Rolleston, Col.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, Lord J.
Russell, J. D. W.
Seymour, Sir H. B.
Sheppard, T.
Smith, A.
Smith, rt. hon. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Thesiger, Sir F.
Trelawny, J. S.
Trotter, J.
Turnor, C.
Villiers, Visct.
Vivian, J. H.
Waddington, H. S.
Wall, C. B.
Warburton, H.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

Mr. *Spooner* then moved the following Clause—

"That from and after the passing of this Act, it shall be lawful for all persons chargeable under Schedules D and E, who may have effected, or may hereafter effect, any insurance or insurances on their respective life or lives, to claim deduction from the amount of the annual premium paid for such insurance or insurances; and whenever such deduction so claimed shall reduce the net annual income below the sum of 150*l.*, the parties so claiming shall be entitled to exemption from payment of Duty."

His object was to allow persons who, for the sake of a protection and provision for their families, were provident enough to insure their lives, the opportunity of deducting the premiums from the amount of their returns. Surely the House could not doubt it was their duty, in every way possible, to promote objects such as that of making provision for families. Those who depended on profits and on labour had no other way of doing that but by insurance. He anticipated it would be made an objection that this clause excluded persons whom it would be highly beneficial to admit within it, but in that he differed from what fell from the right hon. Baronet the other night. The right hon. Baronet asked why should clergymen be excluded? He (Mr. Spooner) denied that the clause did exclude clergymen. Only those clergymen would be excluded who received an income from tithes, whom it was impracticable to include. His object was to obtain that which was practicable; he asked that which he was perfectly sure could easily be done. It might be asked why he took this one way of providing for a family, and what difference there was between an annual insurance and an annual investment of a certain sum in any other way? He answered, that when a man insured his life, he put it practically beyond his control to apply the premiums when once paid to any other object; on the other hand, if an investment were annually made, the money might be taken out, or the mode of investment changed. But another objection might be urged—that persons might insure on a large scale, and by getting large profits by that means, might get off from paying the tax for it under this clause. But when it was considered that the interest obtained by insuring for twenty years, except in one or two offices, was very small, he did not think this objection would go very far. His object was, that persons insuring against risk should be allowed to deduct the amount. He denied that the adoption of the principle he contended for would open a door to fraud; at the same time it would not materially decrease the revenue, inasmuch as the amount so deducted would make a very small difference in the sum total. All he asked was, that those who made their returns under Schedules D and E, and clerical and professional annuitants, might be permitted to deduct the amount of the annual premium paid upon insurances for their lives; and as they already paid a tax upon the insurance, he conceived they had on that ground an increased claim to consideration.

Lord *J. Manners* seconded the proposition of the hon. Member for Birmingham, because he was anxious to see an Income Tax made as equitable as possible. He thought it would be most unfair to tax that man to the whole extent of his income who depends for the subsistence of himself and his family upon his physical or mental exertions, and who, if he be a prudent or right-thinking father of a family, would endeavour to provide for that family by an insurance upon his life. Whether they viewed the proposition as an act of mere justice to a large class of deserving individuals, or, as a wise and paternal government ought to look at it—as a measure calculated to encourage life insurance, he thought it could only be considered as a wise and prudent step to effect such a result. He hoped that the House would sanction the principle involved in this clause.

Clause brought up and read a first time.

Upon the question that it be read a second time,

Mr. *Warburton* said, he thought the same objections held good against this proposition of the hon. Member for Birmingham as those he had made on a former evening to the proposition of the hon. Member for Oxford. It appeared to him that the principle involved in the proposition of the hon. Member for Oxford and the hon. Member for Birmingham was precisely the same. The principle, no doubt, appeared at first sight to be fair; but when they came to examine it, or carry it into effect, it was really most unfair and complicated. He considered that it was quite impossible to carry such a proposition into effect.

The *Chancellor of the Exchequer* was anxious to state the grounds upon which he objected to a proposition that appeared to have a benevolent regard to the interests of a large class of people. The proposal of the hon. Gentleman (Mr. Spooner) was, that a deduction should be allowed to a particular class upon account of insurances on their lives, and he stated it was founded upon a benevolent principle; but the hon. Member did not accurately see the bearing of his own proposition. In the first instance he (Mr. Spooner) limited the advantages he proposed to give to a very small portion of those who paid equally the burden of the Income Tax. He confined them to classes D and E, viz., to persons embarked in trade and professions, or engaged in Government offices, paying a proportion of Income Tax of 1,700,000*l*., contradistinguished from 3,500,000*l*. paid by the other classes whom the hon. Member excluded from his proposed benefit. The hon. Member excluded all that part of the clergy who received their incomes from tithe, or the commutation of tithe; and yet if there was one class of society more than another entitled to have a deduction upon account of an arrangement of this sort, it should be that very class. There were many other persons, of other classes, upon whose part an insurance on their lives might equally be a prudent arrangement, to whom, if he were to encourage exemption, he should give it. For instance, the holders of leases for limited periods; for a person of this class, a man of common prudence, would, if he looked for a renewal of his lease, calculate upon a life insurance to secure the fine upon which the renewal could be obtained. There were other modes besides life insurance by which prudent men of this and the several other classes made provision for their families. A man might act an equally prudent part by annually investing a particular amount of money in the funds, or in any other property, which making a larger return than the funds, might be essentially useful to those who were to come after him; yet the hon. Gentleman was obliged, because he could not get at that fact, to exclude this man who, with a very prudent economy, made a provision for his family without having recourse to insurance. He would take another case still harder. A man engaged in any of these professions had an uninsurable life—that was to say, he had some latent disorder which, though not immediately fatal, was of such a nature that the insurance offices would not allow him to make that kind of provision for his family. What was his situation? Why, he was obliged annually to lay by a sum of money, not in the same, but in a greater proportion, as a man who had insured his life in order to guard against the contingency of death, which, in his case, if not immediately probable, was possible in a limited period. That man was certainly without exemption, though sacrificing a great portion of his income; yet, from the necessity of the case, you were obliged to exclude him from the benefit of his virtuous and prudent economy. The hon. Member (Mr. Spooner) laboured under a mistake, if he imagined that the insurance of lives was always a proof of provident care on the part of the man who made the insurance. That was by no means the case. Insurances of this description very frequently were not for the whole life. Very often they were mere securities for money lent, which the individual insuring could not borrow under any other circumstances. An extravagant man, for example, having exhausted every other species of credit, might resort to this as the only mode he could contrive for acquiring the means of supporting his extravagance; and therefore the House could by no means be sure that in agreeing to the proposal of the hon. Gentleman, they would be encouraging what was virtuous and prudent. Another objection would show how easily a fraud might be committed. Insurance offices would allow you to insure your life for a limited number of years. Under this sort of contract, at the end of the period of years, you were to receive the specific sum which was the value of the annual premium, with a certain amount of interest upon it. What was there to prevent a man from insuring his life for three years upon these terms, and at the end of the period receiving back the sacrifice he had made during the time when the Income Tax was in force? The hon. Gentleman said, there was no inducement for fraud in his proposal; but the fact was, it would offer the strongest inducements to the man with 170*l.* a-year thus to spend 20*l.* annually, by which he would save 4*l.* 10*s.* per annum. It therefore held out a premium to such a man for insuring his life, so as to make an immediate deduction from his income, retaining the whole advantage to himself of its producing a subsequent income exactly equal to the amount of the tax he would be exempt from paying. He believed he had stated enough to show that the Motion of the hon. Member was objectionable, and, upon the whole, he recommended the House not to adopt it.

Mr. *Hawes* remarked, that the injustice pointed out by the hon. Member for Kendal (Mr. Warburton) could be overcome in no other way than by rendering the Income Tax permanent. The hon. Member for the University of Oxford said it was not to be regarded as permanent; to which his hon. Friend (Mr. Warburton) very properly replied, " Let us deal with it as a permanent measure, and adjust the different degrees of annuitants to it." Surely the House were not to be deterred from doing justice because the tax was one nominally for three years only. It was nominally for three years in 1842; it was nominally for three years in 1845; and it would be nominally for three years in 1848; so that, in point of fact, it must be regarded as permanent. With regard to insurances for three years, the right hon. Gentleman (the Chancellor of the Exchequer) seemed to apprehend fraud; but he should recollect what powers were given to the Commissioners to enforce this odious and infamous tax—a tax that could only be made just in proportion as power was given to the Commissioners to decide the cases before them according to equity and justice.

Mr. *Aglionby* expressed his belief that, whether the Income Tax were permanent or temporary, it would be unjust to make the exemption now sought. The Motion of the hon. Member for Birmingham (Mr. Spooner) had on the face of it something extremely plausible; but it seemed to him that the Chancellor of the Exchequer had completely answered all the points the hon. Member had urged. Whether the tax were temporary or permanent, he thought they ought not to allow a person who made a provision for his family in one way to evade its operation, while a person who made that provision in another way was subject to it. A person who had an income of 250*l.* or 300*l.* a-year, might go to an insurance office and insure his life to the whole amount above 150*l.*, and so evade the tax. He believed there was an insurance office which, if you insured *bonâ fide* for 2,000*l.* for the whole term of life, would at any time allow the insurer, should he wish to withdraw, nearly the full value of the premiums he had paid. He therefore felt it his duty to oppose the Amendment of the hon. Member for Birmingham.

Mr. *Spooner* said, the hon. Member would find on inquiry that a person who so withdrew an insurance would obtain a very poor return for the premiums he had paid.

The House divided—Ayes 26; Noes 87: Majority 61.

List of the AYES.

Anson, hon. Col.
Borthwick, P.
Brotherton, J.
Clay, Sir W.
Cowper, hon. W. F.
Curteis, H. B.
D'Eyncourt, rt.hn.C.T.
Fox, C. R.
Gill, T.
Halford, Sir H.
Hawes, B.
Hill, Lord M.
Inglis, Sir R. H.
Johnson, Gen.
Leader, J. T.
Martin, J.
Milnes, R. M.
Morris, D.
Muntz, G. F.
O'Brien, A. S.
Packe, C. W.
Plumridge, Capt.
Rice, E. R.
Russell, Lord J.
Smythe, hon. G.
Somerville, Sir W. M.

TELLERS.

Manners, Lord J.
Spooner, R.

List of the NOES.

Acland, Sir T. D.
A'Court, Capt.
Aglionby, H. A.
Astell, W.
Baillie, Col.
Baillie, H. J.
Baldwin, B.
Baring, rt. hn. W. B.
Barnard, E. G.
Barrington, Visct.
Benbow, J.
Bentinck, Lord G.
Boldero, H. G.
Bowles, Admiral
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buckley, E.
Busfeild, W.
Cardwell, E.
Chetwode, Sir J.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Courtenay, Lord
Damer, hon. Col.
Darby, G.
Dickinson, F. H.
Duncombe, hon. A.
Egerton, W. T.
Entwisle, W.
Escott, B.
Fitzroy, hon. H.
Forbes, W.
Forster. M.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, Capt.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grogan, E.
Hamilton, W. J.
Harcourt, G. G.
Heneage, G. H. W.
Herbert, rt. hon. S.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, G. W.
Jermyn, Earl
Jocelyn, Visct.
Lawson, A.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
McGeachy, F. A.
McNeill, D.
Marsland, H.
Martin, C. W.
Morgan, O.
Nicholl, rt. hon. J.
Pakington, J. S.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pringle, A.
Repton, G. W. J.
Rushbrooke, Col.
Smith, rt. hon. T.B.C.
Somerset, Lord G.
Stewart, J.
Sutton, hon. H. M.
Thesiger, Sir F.
Trelawny, J. S.
Trotter J.
Vivian, J. E.
Wakley, T.
Wall, C. B.
Warburton, H.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

Mr. *Spooner* said, after this division he would withdraw the 4th Clause of which he had given notice.

Mr. *Wakley* said, this Bill professed to be a measure for levying a tax upon income, and by the Amendment of which he had given notice he wished to relieve parties from a tax upon losses. Some landlords complained that they received no rents for their property, in consequence of the tenants becoming bankrupt or insolvent, or absconding, and that in many cases their property was much injured by such tenants; and they desired that the Commissioners for general purposes should be empowered, on proof of such facts, to relieve the landlords from payment of the Income Tax upon these losses. This was so just a proposal that he thought it could not be objected to; although it had been urged that, because this Bill was to continue in operation only for three years, the tax ought to be endured without modification. But suppose a medical practitioner were to apply a large blister to the Chancellor of the Exchequer, and say, "Oh, never mind it—it will only last for three years,"—would the right hon. Gentleman consider that a sound argument for such an infliction? He could assure the right hon. Baronet at the head of the Government that the people out of doors fully expected that this tax would have ceased at the end of the three years. He was bound to say that no question could have been brought before the House in a more statesmanlike manner than was the proposal of this tax by the right hon. Baronet, and the question was left to the determination of the House. He had supported the general proposition; and if there should be a division on the third reading of the Bill, he would vote in its favour, for he thought the right hon. Baronet's proposal was for the advantage of the country. But he could assure the right hon. Baronet that the fact of his having opposed every amendment that had been brought forward would prevent the continuance of this tax in its present form beyond the next three years; for he believed such strong and general hostility would be manifested to the measure, that it would be utterly impossible to continue it without alteration. He had always stated his approval of a Property Tax upon a sliding-scale, and he would also support an Income Tax upon a sliding-scale; but he considered that in the case he had now brought before the House, where parties sustained severe losses through dishonest tenants, they were justified in requesting that permission and power might be given to the Commissioners for general purposes to remit the tax when proof of loss was given. He therefore moved that the following clause be added to the Bill:—

> "And whereas doubts have arisen whether the landlord for the time being of premises charged under Schedule A is liable to the Duty charged on the said premises under the said last mentioned Schedule, whether the said landlord shall or shall not have received the rent in respect of the said premises; Be it Enacted, and it is hereby Enacted, that it shall and may be lawful for the Commissioners for General Purposes, acting for the district in which the said premises are situated, on appeal to them made for that purpose by the said landlord or his agent, to discharge the said assessment, or such portion thereof, at the rate of 7*d.* in the pound, on such amount of rent as the said landlord shall prove to their satisfaction he has wholly lost, and has not been able and is not likely to recover in respect of the said premises, and on which he would have been liable to pay the said Duty, by way of deduction, in case the occupier for the time being, or any other person for him, had paid the said rent."

General *Johnson* seconded the Motion.

Clause brought up and read a first time.

On the question that it be read a second time,

The *Chancellor of the Exchequer* was obliged to the hon. Member for Finsbury for having answered the question of the hon. Member for Lambeth (Mr. Hawes) as to the perpetuity of this tax. The declaration of the hon. Gentleman (Mr. Wakley), that the tax would not last beyond the period of three years could not fail to be satisfactory to the hon. Member for Lambeth. But he must be as hard-hearted with regard to the Amendment of the hon. Member for Finsbury as he had been with reference to those proposed by his hon. Friend (Mr. Spooner). He did not mean to say that individual cases of hardship might not occur in consequence of the loss sustained through dishonest tenants; but, on the other hand, the hon. Member for Finsbury must perceive that any general permission to the Commissioners for general purposes to allow deductions in such cases, would lead to a great deal of fraud. It frequently happened, though a tenant might remove from a House without paying rent, it might be recovered subsequently; and the Commissioners would have great difficulty in ascertaining where actual loss had been sustained. By the adoption of the hon. Gentleman's proposal, he conceived, they might prevent the landlords from exercising due vigilance and instituting proper inquiries as to the character of their tenants. The hon. Member for Finsbury had characteristically asked him (the Chancellor of the Exchequer) whether he would like to have a blister upon him for three years. He could assure the hon. Member he would take care not to allow him to keep a blister upon him for three days; and if he were a landlord he would take care that his tenants did not abscond without paying their rent.

Mr. *Wakley* said, the right hon. Gentleman seemed disposed to exercise more caution than the people, for they had got the blister fixed upon them, and they must endure it. He (Mr. Wakley) felt it was useless to press the Amendment to a division, and therefore he would not give the House the trouble of dividing.

Motion negatived.

Mr. *Forster* moved the Clause of which he had given notice:—

> "And whereas all persons, corporations, and companies, carrying on any mines of lead, tin, coal, copper, iron, or other undertakings of the like nature, are now chargeable under Schedule A; Be it Enacted, That from and after the passing of this Act the said persons, corporations, or companies so chargeable in respect of all such undertakings, shall be assessed for the same under Schedule D, in like manner, and with the same option of privacy, as other persons, corporations, or companies chargeable under that Schedule."

He considered that the Property and Income Tax under certain modifications was one of the best systems of taxation that could be adopted; and the Amendment he now proposed would have the effect of removing one objectionable feature in the existing measure. As that Amendment, if adopted, would not lessen the produce of the tax, he could not see on what grounds the Government could oppose it. Trades and manufactures were assessed under Schedule D, and it was provided that persons assessed under that schedule might make a private return to the Commissioners under seal. This provision materially lessened the inquisitorial nature of the tax. But mines and other subsoil undertakings were assessed under Schedule A, and persons assessed under that schedule were deprived of the advantage of making private returns. But why should a favour be extended to one class of traders which was refused to another? If secrecy was necessary in one case, surely it was equally necessary in the other. Indeed, with respect to mines and similar undertakings, secrecy was especially necessary. He was acquainted with the case of some mining establishments where the clerks in those establishments were the assessors under the Income Tax, the tailors and shoemakers in the adjoining villages being the collectors; and to such persons all the affairs of the concerns were necessarily revealed. He thought that, unless the Government wished to render this measure as offensive as possible, they could not object to the Amendment.

Mr. *Rice* seconded the Motion.

Clause brought up and read a first time.

On the question that it be read a second time,

The *Chancellor of the Exchequer* said, that taking the example of the antecedent Act, in 1842, he placed the mines in the same position as they then occupied in the measure now proposed by Her Majesty's Government. And it had been suggested to him by parties connected with mines that they should be placed in Schedule A, because that would give them longer time to calculate the averages. He had not heard a single complaint on the subject.

Motion negatived.

Sir *R. H. Inglis* would not have troubled the House on the present occasion, and he would only trouble it for a very few minutes, if he did not feel desirous of calling the attention of Her Majesty's Ministers to the Clause of which he had given notice, not so much with a view to their now conceding its principles, as with the view of their conceding it before they should bring before the House in another Session a proposition for the renewal of the Property and Income Tax. If we were now unhappily engaged in war he would not for one moment endeavour to oppose any obstacle to the complete carrying out of this measure; but happily this country was not at present engaged in war. Again, if the measure were to be temporary only, he would not, under any circumstances, desire a reconsideration of it; but every day's experience unfortunately led them more and more to believe that the operation of the measure was not to be limited to the three years in question, but was likely to be perpetual. Every day's experience satisfied him, and the statements of his right hon. Friend at the head of the Government, and of his right hon. Friend the Chancellor of the Exchequer, led him to the perfect conviction, that the tax was to be a permanent one. Under such circumstances, he was desirous of attempting to make it, even for its professed existence of three years, more tolerable than at present proposed by Her Majesty's Government. The proposition he was about to bring under the notice of the House rested on the same ground of equity on which the great exemption under the existing law was founded. Three years ago his right hon. Friend (Sir R. Peel) said he considered that an income under 150*l.* a year ought to be exempt from the tax. There were many instances in which persons in receipt of 150*l.* a year might by fraud evade payment of the present Income Tax; for instance, parties in receipt of an income a little above 150*l.* might desire that that income should be reduced by their employers in such a way as to cause them to be exempted from the operation of the tax. A person having a nominal salary of 150*l.* a year might, in order to evade the tax, cause it to be reduced to 149*l.*, and thus save 3*l.* 10*s.* a year. He, therefore, wished his countrymen to be relieved from a position which either held out inducements to the perpetration of fraud, or from that distress which, he believed, great numbers in other cases sustained. He could not conceal from himself that the alterations in the prices of the necessaries of life made by the Tariff did not so much affect those having incomes under 150*l.* a year, or even 300*l.*, 400*l.*, or 500*l.* a year; it affected more immediately those having incomes of 15,000*l.* and upwards, who did not care so much for its operation. The Property Tax, therefore, bore heavily on the classes who were not much benefited by the alterations in the Tariff. But it was said the proposition he (Sir R. Inglis) suggested was impracticable, and that, even if practicable, it would be ruinously injurious. But his right hon. Friend (Sir R. Peel) had not stated any specific grounds on which the impracticability of the proposition could be proved. He (Sir R. Inglis) was of opinion that the proposition was one which was perfectly practicable. Supposing a person was assessed for a given sum in 1844, all that would be requisite, in order to carry out his proposition, would be to reduce the assessment of that individual by the sum of 4*l.* 10*s.* [Sir *R. Peel:* The individual is not assessed.] In some cases persons were not assessed, but he knew that in many cases they were. And in cases where persons were assessed it would only be necessary to deduct the sum of 4*l.* 10*s.* from the assessment. But it was said that the adoption of the proposition, even if it were practicable, would be ruinously injurious, as a million of money at least would thereby be lost to the revenue. In order to meet that objection, though he conceived the supposed amount of loss was greatly overstated, he intended to modify the proposition of which he had given notice by limiting its operation to those classes who might be considered previously open to the evils of the present system. He had been told that the former proposition would, if carried, have the effect of relieving the Marquesses of Stafford and the Dukes of Buccleuch, as well as the classes he was particularly anxious should be relieved. He (Sir R. Inglis) did not regard the argument as conclusive; but the objection would not apply to the proposition he would now submit to the House. The proposition was,

> "Provided always, that the said rates and duties shall not be assessed or taken upon any income whatever under the amount of 500*l.*, except in respect to the sum by which such income shall exceed the sum of 150*l.*"

He believed that there were numbers of clerks and other persons to whom the adoption of this proposition would afford great relief. He believed such persons were ranked by many thousands. They had statistical information which would bear out his statement. With respect to the clergy, the adoption of this clause would give relief to an immense portion of those who held benefices in England. It was a matter of fact, that there were upwards of 5,000 benefices varying in value from 150*l.* to 500*l.* But he was told that there were 200,000 persons who paid the tax. Very well; the results of the appeals ought to be considered some criterion as to the number of those who paid. There had been about 82,000 claims for exemption, and of those there were 75,500 claims which were granted. Therefore he thought that 200,000 was not the number that could claim exemption from payment of the tax, supposing the proposition he made was adopted. He knew what would be the result of dividing the House upon it, but he should consider it his duty to do so; for he was of opinion that the clause would be eminently conducive to the welfare and comfort of a great number of Her Majesty's subjects. On these grounds he begged leave to move the insertion of the words which he had mentioned at the end of the first Clause under the consideration of the House.

On the question that these words be inserted,

The *Chancellor of the Exchequer* thought that the proposition made by his hon. Friend (Sir R. Inglis) would, if adopted, lead to a greater degree of evasion and fraud than took place at present, and was liable to all the objections that had been urged against his hon. Friend's former Motion. In the first place, the hon. Baronet said, "You know the exact income of every man, and can make a deduction of 4*l.* 10*s.* for the sum of 150*l.*" But that was precisely at variance with the principles of this tax. They did not know the income of every man. The principle referred to by his hon. Friend was with one consent abandoned, as leading, not only to evasion and fraud, but to a multiplication of oaths, which was considered objectionable. It would be difficult to deduct 150*l.* from the income of a man, when they did not know what that income was. His hon. Friend stated that a person having 150*l.* a year might escape payment of the tax (by causing his income to be reduced by 1*l.*), while another person having 151*l.* a year, would have to pay the tax. And his hon. Friend said, "Can anything be so monstrous, or hold out a greater inducement to fraud?" But what was the proposition of his hon. Friend? He said, that the man having an income under 500*l.* a year should be entitled to deduct 4*l.* 10*s.*, the sum payable on 150*l.* But the man having 500*l.* a year would be altogether excluded from such an advantage. Therefore, it would be worth his while to give up 3*l.* or 4*l.* a year, in order to secure himself in the full benefit of his hon. Friend's proposition. It would be very difficult to ascertain the incomes of individuals in many cases. Persons might derive income from various sources. *A* might have an income from land under 500*l.*, and he might have an income of a totally different character from another source, for instance, from a railway: but they might have no possibility of bringing these incomes together. His landed estate might be in Yorkshire; and the railway, the other source of his income, might be in Sussex. The adoption of his hon. Friend's proposition would undoubtedly lead to a very general infraction of the Revenue. His hon. Friend said, he was of opinion that the loss that would accrue to the Revenue, if his proposition was carried, had been overstated. But he (the Chancellor of the Exchequer) felt satisfied that the loss to the Revenue, judging from the great number of persons who paid the tax under Schedule D alone, would be very great. If they adopted this proposition, they would find it utterly impossible to guard themselves against fraud of the worst description; they would impair the Revenue, and attempt to do that which would be found impracticable.

The House divided:—Ayes 25; Noes 59: Majority 34.

List of the AYES.

Barnard, E. G.
Borthwick, P.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Curteis, H. B.
Dick, Q.
Hawes, B.
Hill, Lord M.
Johnson, Gen.
Martin, J.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Packe, C. W.
Plumptre, J. P.
Plumridge, Capt.
Rice, E. R.
Rumbold, C. E.
Sibthorp, Col.
Somerville, Sir W. M.
Wakley, T.
Wawn, J. T.
Williams, W.
Wodehouse, E.

TELLERS.

Inglis, Sir R. H.
Spooner, R.

List of the NOES.

Aglionby, H. A.
Arkwright, G.
Baillie, Col.
Baldwin, B.
Barrington, Visct.
Bentinck, Lord G.
Boldero, H. G.
Bowes, J.
Bowles, Adm.
Broadley, H.
Bruges, W. H. L.
Buckley, E.
Cardwell, E.
Chetwode, Sir J.
Clay, Sir W.
Clerk, rt. hn. Sir G.
Damer, hon. Col.
Darby, G.
D'Eyncourt, rt. hon. C.
Dickinson, F. H.
Egerton, W. T.
Escott, B.
Fitzroy, hon. H.
Forster, M.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Herbert, rt. hn. S.
Hope, hon. C.
Hope, G. W.
Hutt, W.
Jermyn, Earl
Jocelyn, Visct.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Mackenzie, T.
McGeachy, F. A.
McNeill, D.
Martin, C. W.
Nicholl, rt. hon. J.
Peel, rt. hn. Sir R.
Peel, J.
Pringle, A.
Round, J.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stewart, J.
Sutton, hon. H. M.
Thessiger, Sir F.
Trotter, J.
Warburton, H.
Wortley, hon. J. S.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

On the question that the Bill do pass,

Sir *W. Clay* could not allow the Bill to pass that stage without again expressing his opinion with respect to it. He thought that any advantages which were offered to the country by the other measures of the right hon. Baronet were purchased at too high a price by the payment of the Income Tax. The objections which were made to the injustice and inequality of this direct taxation in its operation by several hon. Members, had been answered by the right hon. Gentleman opposite in a manner which did not go to prove that the causes of objection were not real and substantial. What was said in reply to the objections to which he alluded? It was, forsooth, said that the hardships which were stated as likely to result from the tax were very severe, but that worse hardships could be pointed to by the Government, and that it was impossible to touch them without superinducing other evils. That was the description of answer which had been given to the statements of hon. Members who objected to the unequal pressure of this tax. Indirect taxation had the advantage of enabling a man to regulate to a certain extent the proportion of the burden to which he should submit himself; for by lessening his consumption of those articles which placed him most directly under the operation of this description of taxation, he could by his own act lessen the amount of it which he was to pay. The assessed taxes on carriages, horses, and such luxuries had rather a tendency to diminish a man's power of expenditure; but the effect of a Property Tax was quite the contrary, for its tendency was to diminish his power of saving; it was, in fact, a tax on prudence. It was a most unjust and unwise principle to lay a tax upon prudence, and there could not be a more vulgar error than to suppose that it was good to tax the miser. The miser was the greatest benefactor to society; he was the man who carried out all our improvements; it was not by the man who kept the best fox-hounds, or the largest number of carriages and horses, that the railroads and canals of this country were made, but by the man who did not spend his income. Another great objection to this tax was not extending it to Ireland. He could not allow this Bill to pass without expressing his objection to it as one dangerous in principle.

Sir *R. Peel* said: I am really much obliged to the hon. Gentleman for the manner in which he has expressed his opinion upon this question. The hon. Gentleman must see that his observations cannot result in any great good; yet he has put on record his parting malediction, as it were, of this Bill. I will not now enter into the question whether direct taxation is preferable to indirect taxation. I believe it would be extremely difficult to lay down any positive theory in the abstract, for I think that the question, whether direct taxation is preferable to indirect taxation, very much, and materially indeed, depends upon the circumstances of the country. If a country were heavily taxed, and the taxation pressed very grievously upon the industry of the country, and controlled the spirit of enterprise and commerce, and if in that same country property was entirely untaxed, I should think then that a direct taxation upon property might be preferable to a tax upon income. We must know, however, the exact position of the country, the amount of taxation, the way in which it presses, and how it affects particular classes, before we can properly discuss the question whether direct taxation is preferable to indirect taxation. But I feel that if you are to have a tax at all upon property, it ought to be a tax upon income, and not upon accumulated property. I think nothing could be more mischievous in every way than a tax upon accumulated profits —nothing, I think, could be a more dangerous precedent. What is the great main-spring of industry—what is it that induces men to spend their days and nights in toil but the hope of accumulating property? It may not be a very noble aspiration, or a very worthy object to toil for; but Dr. Johnson said, "Very few men are more innocently employed than in the accumulation of property." If men are to be told that their realized profits are to form the only means of taxation, you do more to paralyze honest industry and honourable exertion — you are holding out greater temptation for men to transfer their capital and their labour to other countries, than you could possibly do by any other means. Then, you will find that a tax on accumulated property will produce very little; that those who can transfer their property to other countries will do so, and you will lose more than can well be imagined by diminishing the great inducement to industry and accumulation of wealth; you will find that your fiscal speculations will not succeed in a pecuniary point of view. You will then go perhaps one step further, and tax the man with a million capital at a higher degree than the man with 3,000*l.* or 4,000*l.*, and numerous difficulties must arise from your admission of this dangerous precedent, plausible as it may at first sight appear. When direct taxation is acknowledged, I hope that the House will go to no other principle than that of taxation upon income — not inquiring into the source of that income— but simply distingushing it from realized property. The hon. Gentleman says, that we might have proposed something better than this tax — something that should have been free from all the objections attaching to this. It is all very well to say that something better could have been proposed; but if the hon. Gentleman sat on this Bench, he would perhaps find it more difficult to act than to talk. The hon. Gentleman says, "Why don't you extend the tax to Ireland?" I wish the hon. Gentleman would try what tax it would be advisable to extend to Ireland. Look, for example, at the soap tax. I am not prepared to say that good arguments might not be found for extending that tax to Ireland, and placing it on the same footing as corn; but when we contemplate what would be the consequence of the introduction of the soap tax into that part of the country, where we wish, beyond a doubt, to encourage in a high degree those habits which would lead to a great consumption of soap, I think that we should find good reasons for not for the first time subjecting Ireland to the soap tax. The necessity for the imposition of some tax or other to raise a sufficient sum for the exigencies of the country has not been denied. We have tried this experiment, and the country seems to be of opinion that this is a time when the Income Tax ought to be imposed. The country is not scared by the idea of any difference between realized and realizing profits—it is not scared by the idea of substituting direct for indirect taxation; and I believe that the affluent persons of this Kingdom, whether belonging to the agricultural, manufacturing, or commercial classes, are willing to subject themselves to this continued burden, that they may try this great experiment for improving the condition of the people. I feel that the objections to this tax are of a strong nature; but—and I say it is an honour to this country—but I believe that the reason why the tax is not more generally opposed is, that it is one which may cause a certain commutation of taxation which may favour the interests of those who stand most in need of help. I must again thank the hon. Gentleman for the manner in which he has urged his objections to the Bill; but I do not wish to extend the discussion or to anticipate the debate which may arise upon the expiration of the term for which the tax is now proposed: and upon this point I may say that I am sure the House will agree that nothing could be more unwise in me as a Minister, as a public man, than to pronounce a positive opinion as to what may take place hereafter. One cannot tell what will be the effect of an alteration in various taxes. Look, for example, at glass—see what is going on with respect to that manufacture; suppose you should find this country competing with Belgium and Bohemia in glass, and you should find that hundreds and thousands of persons, before unemployed, should, in consequence, be called into active occupation, how can I say in such a case, that Parliament will not openly declare its conviction at the end of three years that they see the country so improving, trade and commerce so extending, that they believe the country to be so much in favour of direct taxation, as contradistinguished from indirect taxation, that they are willing still further to try this experiment? Nothing would, then, be more unwise than for me to say one word in anticipation of such an event; every public man should leave himself unfettered in such a case. It is not merely from the acquiescence of the country, however, in the continuance of this tax; but it is from the principle on which that acquiescence is granted, that I do derive the greatest satisfaction, for I believe that it exhibits a desire on the part of the affluent of this country to share the burdens of their poorer brethren.

Mr. *Hawes* must oppose the Income Tax, notwithstanding what had fallen from the right hon. Baronet; and he should pursue that course because that tax gave an independent revenue to the Minister without reference to the general articles of consumption, and because, but for it, the Minister must resort to sugar or to other articles of consumption, to raise the sum necessary for carrying on the engagements of the country. It was all very well to talk of a judicious mixture of direct and indirect taxation; but in his opinion it was altogether impolitic and improper to think of introducing direct taxation until they had placed their indirect taxation upon a fair and honest basis. Until direct taxation was placed upon a fair basis, the proposed commutation could never advantageously be brought about. All the opposition which he had offered to the measure proceeded upon that ground. He could not help observing, that while improvement was sought in one direction, other cases of really great importance were left untouched. The right hon. Gentleman had stated, fairly enough, that he did anticipate the continuance of the tax beyond the period of three years; he said so formerly, and he now said the same. Well, if the country be so charmed with the tax at the end of the next three years, nothing would be so easy for them as to declare their wish to continue it; but that could scarcely form a reason why all fair representations made on the subject should now be so much discouraged as they were. After having on more than one occasion stated the hardships of the measure, and the numerous objections to it, he could not now conclude without giving it his parting malediction, as a tax in itself most unjust, and as one which stood in the way of that wholesome reform of taxation which was so much needed, and which he felt it his duty to urge upon the adoption of Parliament at every suitable opportunity. Until he should see that reform effected, he had resolved to continue an unflinching opponent of the Income Tax.

Mr. *Stuart Wortley* observed, that if the Minister were not allowed to avail himself of that tax, he must lay on some other of equal amount. His right hon. Friend at the head of the Government had given the House a full explanation of the subject then before them, and, for one, he derived great satisfaction from the manner in which that explanation was given. It had very truly been said, that in laying on a tax of this nature, the peculiar circumstances of this country must be taken into account. The circumstances of America were quite different from those of this country. The disposition of the people to bear such a tax should also be taken into account; and though indirect taxation might have its advantages, yet the considerations in favour of direct taxation were of great weight. No doubt if the feeling of the country were adverse to direct taxes, they ought to be given up. He had opposed all the Amendments brought forward on the present occasion, because he thought that improvements in a measure of this kind could only be effected by the Government, and not by the propositions of individual Members.

Mr. *Ward* could not refrain from noticing the fact, that after all the strong opinions expressed against the Income Tax, hon. Members did not seem to like voting against it. For his part, he never expected to see the Income Tax removed; and he fully believed that whenever his hon. Friends near him came into power, they would find themselves under the necessity of laying on such a tax. He looked in vain for the elements of an Administration that could do without an Income Tax. The party to which he more immediately belonged, the free-trade party, supported views which the other Members of the Opposition did not seem at all inclined to espouse. He saw no disposition to take up those principles. As to the question before the House, it was entirely a question of degree. But this was a very important consideration, that whereas his hon. Friends near him talked a great deal about what they would do, the right hon. Baronet did what he said. It was only justice to the present head of the Government to state, that when he said a thing it was done. But his hon. Friends on the Opposition Benches had brought forward a great many very pretty propositions, which never went beyond mere schemes; whereas the right hon. Baronet carried whatever he proposed. That certainly was fortunate for the country; and it was not fair to estimate the importance of his measures by what the poor man would save in the price of his fustian jacket, or in his weekly consumption of sugar. The matter to be looked at was the Ministerial measures abolishing a duty varying from 9 to 12 per cent. on the raw material of a manufacture, which already led to the increased employment which would be occasioned by the export trade, amounting nearly to 25,000,000*l.* The abolition of the duties on glass would have similar effects. It was not merely therefore the reduction of price, but the increase of employment which would be beneficial. A great change, and he hoped a great improvement, would result from the removal of taxes on the raw materials used in manufactures. He had seen the Notice of Motion given by his hon. Friend, and he came down that night for the express purpose of recording his vote in favour of the Property Tax; but, as often happened in those cases, the proposition of his hon. Friend was withdrawn.

Mr. *Curteis* said, that he felt when the question was put that the Bill be read a third time, that he ought not to abstain from moving that it be read a third time that day six months; finding, however, that so few hon. Members supported him, he wished to avoid giving the House the trouble of dividing. He was against the tax on account of its inquisitorial nature. It would be, he thought, a great advantage if the inquisitorial character of the impost could be avoided. He admitted that he entertained something of a party feeling in this matter, and he thought that a good rally had been made on the Motion of his hon. Friend the Member for Liskeard. On that occasion his noble leader, the Member for London, voted with the Government. He had always been proud and happy to fight as a humble follower of that noble Lord; and he had hoped that the noble Lord would have recorded his vote, if it were only once, against the measure in its present form, so that the people at large might jumble that vote and confound it with his other votes, under the general impression that the noble Lord wished to relieve them from the unequal pressure of that tax. He heartily regretted that the noble Lord had not taken a bolder stand.

Sir *C. Napier* said, that all the officers engaged in the Civil Service and stationed in Ireland, were free from the Income Tax; but that officers of the Army and Navy stationed in that part of the United Kingdom were obliged to pay the Income Tax. Now, he wanted to have that explained.

Mr. *Trelawny* thanked the right hon. Baronet for his free-trade measures, and observed that had he gone much further in that direction he would gladly have supported him. He gave the right hon. Baronet credit for his abolition of the auction duty, which was a very severe tax upon persons disposing of their property under circumstances of distress. Had the right hon. Baronet adapted the Income Tax more to the circumstances of the various classes upon whom it pressed, he would have had a much better chance of perpetuating a system of direct taxation, than under the unequal pressure of the present tax he now had.

The *Chancellor of the Exchequer* observed that the hon. and gallant Member opposite had asked how it was that civil officers in Her Majesty's service stationed in Ireland were altogether released from payment of the Income Tax, whilst naval and military officers employed in the routine of their duties there were obliged to pay it. The reason was, that the Government having determined to exempt Ireland from the tax, it was manifestly unjust to compel those to pay it who were permanently stationed there, and whose duties, no less than their salaries, were exclusively referable to that country; whereas, with respect to naval and military officers, they were not attached in any especial manner to the soil of Ireland, but their duties might lead them at one moment to be resident there, and in the next they might be called into any other part of the United Kingdom.

Bill passed.

JUSTICES' CLERKS AND CLERKS OF THE PEACE.] Sir *J. Graham* moved that the Justices' Clerks and Clerks to the Peace Bill be read a second time.

Mr. *Tatton Egerton* would not oppose the right hon. Gentleman's measure, but begged to submit to him the propriety of postponing the present stage to a future period. The Bill proposed to place the parties whose present position it affected upon an equal salary throughout the country. Now, he begged the right hon. Boronet to consider what an enormous expense he was imposing on the community by this proceeding. A sample of the working of such a Bill might be seen in other measures of a similar tendency. It was only the other day that a Bill came under his notice by which 600*l.* a-year was granted to one clerk and 400*l.* to another as commutations for their emoluments, and the duties which they had to perform only occupied them two days in the week; whereas the magistrate, who was superior to them both, was paid only 800*l.* a-year for duties incommensurately heavier. The right hon. Gentleman was also not contented with making that alteration, but he also forbade the clerks from conducting any prosecutions, and thus a double expense would be imposed upon the counties. Look also at the magistrates' position. The Bill made no provision for the attendance of magistrates' clerks at petty sessions, and the consequence was, that the magistrates must have private clerks to attend. He would not press his opposition to the Bill, though he certainly wished to see it postponed.

General *Johnson* asked why the Bill could not be separated into two Bills—one relating to clerks of the peace, and the other relating to magistrates' clerks? The last class of persons had never been heard of before the Bill brought them so prominently into notice. It would be far better to separate the two classes of clerks, and to fix the emoluments, though he certainly considered that fees were preferable to a salary.

Mr. *Darby* said, that the Bill would not only add greatly to the expenses of the counties, but it would also very much complicate the machinery of justice and of country business. He doubted if it could be carried out. The very best lawyers ought always to be employed as justices' clerks, and the Bill would effectually prevent that if they were not allowed to conduct prosecutions upon which so much of their emoluments depended. If that part of the Bill were persevered in, a very inferior class of persons would henceforward be found willing to act as justices' clerks.

With respect to the fees, he did not see what was gained by substituting salaries for them, and he doubted, moreover, whether the substitution would be effectual. It was a very common practice for magistrates' clerks to abandon their fees; but as now fees would become public property, he doubted whether they could be abandoned after the Bill was in operation, and therefore those who were to derive benefit from it would receive none.

Mr. *Brotherton* saw no reason for putting off the Bill. The principle was good, only he did not think it was carried far enough. He thought it would be an improvement in the Bill, if magistrates' clerks were allowed to conduct prosecutions; but they ought still to be paid by salaries, and not by fees. Such was the practice in the borough which he had the honour to represent. The magistrates' clerks there had no interest whatever in sending persons for prosecution. At present, generally speaking, they were interested in sending cases for prosecution, because their fees depended on the numbers of such cases, and thus a heavy expense was thrown upon counties upon frivolous grounds; whereas, if the magistrates' clerks were paid by salaries, they would not be interested in sending cases to the sessions; the business of the country would be better done, and at a far less expense. It had been suggested that it was better to appoint a prosecutor, but of this he would say nothing.

Mr. *Henley* observed, that the magistrates' clerks had many other duties to perform besides those which related to prosecutions; such, for instance, as the appointment of proper persons for overseers, the choice of competent surveyors of the highways, and a variety of similar functions, for which they were remunerated by fees; and he feared if salaries were substituted for that sort of payment, those duties would henceforward be performed in a slovenly and ineffective manner. He feared that if clerks at petty sessions had fixed salaries, there would be a disposition to hurry through cases. He confessed that he had never been able to see any data on which they could calculate what would be a just salary to be given to clerks of the peace; he was by this Bill to be paid a compensation for his fees and emoluments; but he should like to know what was meant by emoluments; and it would be difficult to find any proper sum to assign to gentlemen for an average of five years or even of one year in prospective. The gentleman who was clerk at Bow-street acted under a magistrate who was a barrister of some standing, and was constantly employed; whereas in the country the clerks were not constantly employed, and had to advise the magistrates on points of law. The Bill, however, was much mixed up in its principle and in its details, and he should not oppose its second reading.

Sir *James Graham* hoped he should not inconvenience the House if he followed his numerous Friends on this (the Ministerial) side, who, he was sorry to find, did not much encourage him in the progress of the Bill. He could assure his hon. Friends that he undertook the measure from an earnest desire to promote the better administration of justice—an object common to them all—and that he entertained an earnest desire to pay respect and attention to the various suggestions which had been thrown out by many men of great practical experience, and of much and attentive observation, in reference to the matter contemplated by the measure. At the same time he would observe, that on the present occasion they were discussing only the principle of the Bill. Many of the objections taken by the hon. Gentlemen on the same side of the House with him, and by some on the opposite side, applied rather to its details than to the principles of the Bill; but he admitted that in a measure of that kind, details and principles were so blended together in the discussion, that it was hardly possible to separate them. Let him first apply himself distinctly to the principle of the Bill. Shortly stated, it was this—that, on the whole, justice was better administered by public servants receiving salaries for the duties performed by them, than by receiving fees for these duties. That was the simple principle of the Bill; and with reference to the administration of justice, it might almost be considered an axiom of which it was altogether superfluous to adduce proof. The Bill before the House proceeded upon that conceded principle; and to that principle, he thought, notwithstanding all that had been said, there could be no serious objection. The application of the principle he admitted to be difficult; but still the principle was, that salaries, on the whole, with reference to the great body of the community—whose interests were involved in the pure and prompt administration of justice—were preferable, as a mode of payment to the officers and dispensers of justice, to fees. He was bound to state that he agreed with his hon. Friend the Member for Sussex, that in applying the principle it was their duty to pay attentive consideration to the interests of the ratepayers, from whom the salaries, at all events in the first instance, of the clerks of the magistrates and of the clerks of the peace were to be drawn. In the first place, he was satisfied that not only the ends of justice would be better answered by the payment of salaries, but he entertained also a very strong opinion that, in the end, economy and the interests of the ratepayer himself would be promoted by the measure they were then discussing. His hon. Friend the Member for Cheshire said that enormously high salaries would be awarded by the magistrates in quarter sessions. He thought much too well both of the prudence and of the sense of justice of the magistrates, considering that they held a trust of the highest responsibility, and a trust of the most honourable description, to believe for one moment, that any such abuse of discretionary power in their hands is to be anticipated. He could see no trust more obligatory on men of honour than that devolved upon the magistrates of the country — that nothing in the shape of prodigality should be tolerated or countenanced. They had an absolute power, controlled only by their discretion, over the county funds. In the disposal of these funds there was no check upon them, except that imposed by prudence and honour; and, acting as gentlemen under these restraints, he was quite satisfied the magistrates of England would find it economical as well as just, that the principle of the Bill should be carried into effect, and that the salaries awarded to the clerks of the peace under the powers given by the Bill, whilst not immoderate, should be adequately sufficient. It was urged by some hon. Gentlemen that if clerks were paid, not by fees, but by salaries, they would perform their duties in a more negligent manner, and that they would be less diligent in their business. But his hon. Friends must bear in mind that, under the provisions of the Bill before the House as it now stood, the power of removal was absolute. That power was given to the magistrates. The hon. and gallant Gentleman the Member for Oldham said, that the clerks of magistrates were a set of functionaries unknown to the law. The office of justices' clerks was perfectly known to the law; but it was not of a permanent character, as compared to the office of a clerk of the peace. But the hon. and gallant Gentleman would allow him to say that, whether known to the law or not, the office was exceedingly well known to that part of the community brought by circumstances before the magistrates, and who sought to obtain justice at their hands. In such cases, the office alluded to was well known by those who had to pay the fees exacted by these clerks. There was a very general leaning on the part of the magistracy, in petty sessions, to consider the interests of their clerks. In this respect some salutary check should be imposed upon them. Now, he knew no check so certain, and that would be so satisfactory in its operation, as the payment of salaries, instead of fees, to the clerks. Many Gentlemen had referred to that particular clause in the Bill which referred to the conduct of prosecutions by the clerks of the magistrates. During last Session, in reference to this matter, he had proposed a provision exactly the opposite of that which was inserted in the present Bill. The information which he had received on this head during the recess, and his own subsequent consideration of the whole subject, had led him to believe that the proposition which he had made last year was, on the whole, untenable. He feared that there would be a tendency, after all, to multiply needless prosecutions if the clerks of petty sessions had the sole and exclusive power of conducting them. On the whole, then, he thought it preferable to place the regulations of the Bill, with respect to this matter, on the footing on which they now stood. But that was a matter quite open for discussion. If the Committee should be of opinion that the provision of last year was preferable to that in the present Bill, such opinion would not affect the main question they were then considering. His hon. Friend the Member for Cheshire appeared to think that there was something new and strange in the proposition that the clerks of the peace should keep an account, and pay over the fees received by them into the public funds. He thought that the proposition was just. With reference to clerks of the peace now in possession of their offices, the average of their fees for the last seven years would be taken, in order to fix the amount of compensation to be given them out of the public funds. With reference to clerks of the peace hereafter to be appointed, the case was quite different. The amount of their salaries would be placed at the disposal and at the discretion of the magistrates in quarter sessions. He was sure that the duties devolving upon all these officers would be better performed if a moderate salary were attached to their office. The hon. Gentleman the Member for Sussex made an observation with regard to the remission of fees. He was quite prepared to admit that if, on the one hand, as was stated in many cases, fees to a very large amount, with the consent of the magistrates, were sometimes taken needlessly from parties applying to justices at petty sessions for the administration of justice,—on the other hand, he was well aware that fees were remitted, and, as he thought, most justly and properly remitted, on many occasions. He had seen the difficulty stated in reference to this matter. He was aware that to give a discretionary power to the magistrates to remit fees, considering the salary of a clerk as fixed with reference to the scale of fees to be received, was open to objection. Yet, when the Bill went into Committee, he was perfectly willing to consider the question, whether the discretionary power of remitting fees might not safely be placed in the hands of the magistrates. The hon. Gentleman the Member for Oxfordshire anticipated that an inferior class of persons would be appointed as clerks. One of the great objects contemplated by the Bill before the House was, to take precautions against the inferior character of many persons at the present moment filling the important office of magistrates' clerks. He did not wish to particularise; but within his own knowledge there were persons who at this moment filled the office, being at the same time totally disqualified for it. In the Bill which he was now pressing on the consideration of the House there was a qualification clause, which was, in his opinion, an ample precaution against the recurrence of the evil to which he had just referred. The hon. Member for Oxfordshire had also fallen into an error with respect to the uniformity of fees. He thought it was competent to make the fees of clerks of assize and the fees of clerks of the peace uniform. He contemplated by his Bill, giving throughout England, all clerks of the peace similar fees. There would be a uniformity in the amount received by clerks of the peace, as there would also be in the amount received by clerks of assize. But he did not contemplate that the fees of clerks of the peace and the fees of clerks of assize should be identical. With regard to the clerks of magistrates, the practice had been that the fees of those officers should be passed by the Judges who happened to go the different circuits. Now it was found that in different counties, contiguous to each other, the fees thus passed and adopted varied frequently to a great extent. He must say that the interests of those who sought for justice in the different courts of this country—whether inferior or superior, required that for the same judicial act throughout England the people of this country should be called upon to pay, not different prices in different places, but the same price throughout, and that a moderate price. The Bill before the House secured that great object. The controlling power over these fees it took away from the Judges, and gave it to a responsible Officer of State, the Secretary for the Home Department, whose duty it would be, acting on his responsibility to the House and to the country, to regulate the fees of three great classes of officers, the clerks of assize, the clerks of the peace, and the clerks of magistrates. The hon. and gallant Gentleman (General Johnson), asked him to separate the Bills, a suggestion also pressed upon him by some of his hon. Friends on that (the Ministerial) side of the House. If he were right in his position that all officers of justice should be paid by salaries and not by fees—if he were right in his second position, as regarded uniformity of payment of fees throughout England—they could only properly arrive at all the objects of the Bill, and especially at the uniformity so much wanted and so much desired, by classing together, in one measure, what related to the administration of justice, whether it referred to assize or quarter sessions, special or petty sessions; they could, in fact, only arrive at their object by dealing with the measure in the comprehensive manner in which he had endeavoured to deal with it. They might vary the details of the Bill in Committee. He was desirous that the House should now read the Bill a second time; and when it went into Committee, he would willingly give his utmost attention to any suggestions which might be made for its modification in matters of detail. He did not think it was altogether decorous in the hon. Member for Oxfordshire (Mr. Henley) to talk of country justices, aided by their clerks, groping their way through the

Statutes. The hon. Member thought that higher fees should be given to clerks, in order to secure men of attainments in the office. He (Sir J. Graham) thought that an adequate provision should be made for the due and proper administration of justice throughout England. He did not, however, see that it was necessary to pay a higher sum for that purpose anywhere else than was paid for it either in the metropolis or in any other large city or town where the services of professional men could be obtained. The Secretary of State was bound to fix equal fees throughout England. The whole of the provisions of the Bill which he had the honour to present to the House, would, if permitted to become law, have a salutary effect on the administration of justice. His belief was, that it would not be attended with great extra expense. He believed that the salaries which magistrates would fix with reference to services would not, on the whole, be greater than the fees now received throughout the country. And even if the fees should not, in all instances, cover the salary, he would call on his hon. Friends in the House to remember that, after all, with reference to the fees received by the clerks of the peace, and by the clerks of magistrates, though the ratepayer might, for salary, pay something more, yet the inhabitants paid the fees as now exacted, and in this respect would pay so much less. They would then confer a benefit upon the community at large, even though the county rates should be increased, which he did not anticipate. It would be seen that, on the whole, the inhabitants would be relieved, although the ratepayers should, in the first instance, feel a slight additional burden. He could not for a moment believe, with reference to the remission of fees, where an individual was placed in the painful position of being innocent and put on his trial, and obtaining an acquittal, that on any account fees in this case should be exacted. Such an exaction, under such circumstances, would be oppressive and monstrous. He trusted the House would not oppose the second reading of this Bill —a Bill which he considered calculated to effect much practical good, and to secure the purity and cheapness of the administration of public justice.

Mr. *Escott* was obliged to the right hon. Baronet for introducing this measure, by which very important objects would be attained. The objections which had been started applied more to the details than to the principle of the Bill; but he was convinced that those who had urged them could not be aware of the enormous evil which the Bill would remove. The Bill embraced a system of payment by salary in lieu of fees. That might be an excellent system to work on; but it was not the Bill for which he asked the right hon. Baronet last year. The measure he asked for was a short declaratory Act to put an end to the system of unjust and illegal fees. One clause would have effected that object; and it appeared, by the unanimous testimony of the hon. Gentlemen who had spoken that night, that no objection would have been raised to such an enactment. However, he was far from saying that the right hon. Baronet would not have done better by going further; though it was enough for him (Mr. Escott) to know that the Bill now introduced would abolish those unjust and illegal fees. But, in fixing salaries to these officers in lieu of the abolished fees, it would be necessary to ascertain what those fees were; for the House had no right to make the ratepayers pay on account of illegal fees, but only on account of legal fees. It frequently happened that a poor labouring man was called on to pay 3*l.* or 4*l.* before he could plead to a common assault, for which 1*s.* would probably be an adequate punishment even on conviction. Thus this system might be used as a means of oppression by any one having a spite against another. He wished all these officers to be well paid for their services; but he did not think that the amount of illegal and extortionate fees should be taken as a rule for fixing their future salaries. He repeated that he was obliged for the introduction of the Bill. It would be a great benefit to make courts of justice objects of affection to the people, which they never could be until they were purified from extortion.

Mr. *Miles* thanked the right hon. Gentleman for introducing a Bill so well calculated to remove an existing evil. He was glad to see the Solicitor General in his place, and wished to know from him whether fees taken under an Act of Parliament were illegal or not? He understood that upwards of thirty counties paid salaries to the justices' clerks instead of fees; and he also wished to know from the Solicitor General whether it were legal to pay them salaries? He did not think the accusation made against the clerks of the peace of taking illegal fees just. An Act passed in the 27th of George III. regulated that a table of fees was to be settled in one Session, and two Judges of Assize having in the ensuing Session approved of that table, it became the legal standard of fees for the county; and if the clerk of the peace charged fees not authorised by that table he became liable to an action for extortion. The fees taken by the clerk of the peace were therefore legal fees, and should be regarded as such until the Legislature altered the law under which those fees were charged. He thought the proposed alteration in the law necessary, and he had made those observations because he did not like to see any aspersions thrown on a class of men, who, in charging those fees, were acting under the authority of an Act of Parliament.

Mr. *Hawes* was disposed to think the fees legal; but thought it unnecessary to raise that question, as those fees were now about to be put on an equitable footing. He approved of the measure before the House, and hoped no obstacle would be thrown in the way of the right hon. Gentleman who had introduced it, and who, he hoped, would succeed in carrying it into law.

The *Solicitor General* said, he had been asked if those fees settled by Act of Parliament were legal. If they were so settled, most unquestionably it was perfectly legal to take them. But his hon. Friend had imposed a greater difficulty on him in asking him to state the law and the facts of the case. If his hon. Friend would state the facts, he (the Solicitor General) would do his best to state the law of the case. But there appeared to be some difference between the hon. Member for Somersetshire and the hon. Member for Winchester about the facts of the case; and it fortunately happened that there was no necessity for the House to determine which of them was right. But the reason why he should not venture to express an opinion was, that this was a question now pending before a Court of Law. He should have to argue this question in another place, and before a tribunal competent to decide it. The facts of the case would be there ascertained, and when the facts were known the law could be applied. He should, therefore, with great submission to the hon. Member for Somersetshire, decline to give an opinion upon the law, and leave the facts doubtful for the present. The House seemed to be agreed on the principle of the Bill, and he had little reason to suppose that when they came to the consideration of the details any difference of opinion would arise.

Mr. *Wakley* thought the Solicitor General should have given a direct and explicit answer to the question—whether it was legal to grant compensation for fees which had been taken illegally? That was an important question; but whenever a question was put to a legal Gentleman in office, there was always a difficulty in answering it. The question was always sure to take him by surprise. It must be very unsatisfactory for a legal gentleman to answer every question respecting the state of the law, as hon. Members were in that state that they did not understand the laws which they themselves had made. The right hon. Gentleman who had introduced the Bill was entitled to much praise, and he (Mr. Wakley) hoped the same principle of reform would be extended to the higher courts. Only ten years ago he had the misfortune to publish a statement respecting a country magistrate, for which he thought proper to issue a criminal information against him. A printed paper was served on him, which contained no account of the accusation. On inquiry at the Crown Office, he was informed that certain affidavits had been filed. It was necessary that he should answer these; but he could not see them without paying 3*l.* or 4*l.* Subsequently he had to file affidavits in reply, and had to pay more for them than he would have been charged in the event of his conviction. That practice was at present in operation at the Crown Office. The system was inconsistent with the administration of justice, and he hoped, wherever it existed, it would be abolished.

The *Solicitor General* thought the hon. Member for Finsbury had hardly done him justice, for he had never evaded answering a question that had been distinctly put. Had he heard the question alluded to, he should certainly have answered it. The question was—whether a party who had taken illegal fees, and which illegal fees were afterwards abolished, was entitled to compensation in respect of those fees? Did it require a lawyer to answer that question? He thought it did not require even the ingenuity of the hon. Member for Finsbury. Such an officer was certainly not entitled to compensation.

Bill read a second time.

House adjourned at twenty-five minutes past eleven o'clock.

HOUSE OF LORDS,

Thursday, March 13, 1845.

MINUTES.] *Sat first.*—The Marquess of Westminster, after the Death of his Father.

BILLS. *Public.*—1ª· Property Tax; Consolidated Fund; City of London Trade; Divorce.

2ª· Companies Clauses Consolidation; Companies Clauses Consolidation (Scotland).

Reported.—Jewish Disabilities Removal; Stamp Duties Assimilation.

PETITIONS PRESENTED. From Members of West Suffolk Agricultural Society and others, for Protection to Agriculture.—By Lord Campbell, from Irvine, against any Alteration in the present System of Banking (Scotland).—By the Earl of Wicklow, from Guardians of Strabane Union, for Alteration of Poor Laws (Ireland).—By Lord Brougham, from Non-Freemen and Householders of the City of London, for Abolishing Freedom Fines, and all Exclusive Privileges of Trading in the City of London.—By the Earl of Devon, from Proprietors of Rochdale Canal, for Regulating Charges for Conveyance of Goods by Railway.—By the Earl of Devon, from Tradesmen of Exeter, for the Repeal of the 57th Clause of the Insolvent Debtors Act.

NON-FREEMEN OF LONDON.] Lord *Brougham* presented a petition from a great number of householders in the City of London, who were non-freemen, setting forth that they were threatened with proceedings by the Corporation of the City of London to compel them to take up their freedom, which would be attended with a cost of not less than 11*l.* 6*s.* 4*d.* This applied not only to eminent wholesale dealers, but to the smallest shopkeepers, and even to porters, carters, and the lowest artizans. It was considered a grievous and oppressive monopoly. It formed a remnant of the feudal times, when a distinction existed between bondmen and freemen. The petitioners prayed relief. He begged to inform their Lordships, that as soon as the petition should be received, he would present a Bill to their Lordships to remedy the evil complained of, by extending to the City of London the 14th section of 5 and 6 William IV., which abolished all these rights of freedom in every other city, town, and borough in the kingdom.

The petition having been received,

Lord *Brougham* brought in a Bill, entitled "A Bill for enabling all Persons to trade and work within the City of London," which was read 1ª.

THE YORK AND LONDON RAILWAY.] Lord *Brougham* wished to move for a Return, if it should meet the approbation of his noble Friend the President of the Board of Trade. The Return he required was a statement of the day and the time of the day on which the Railway Board attended on the York and London Railway. The time of the day was very material; because he could tell his noble Friend that, with all his precaution to preserve secrecy, the fact of the Board having rejected the York and London Railway was just as well known on the Stock Exchange at twelve o'clock of the day on which it took place, as it was after the fact had been published in the *Gazette.* The price of shares in that railway fell between two and three per cent. at twelve o'clock, after the fact of its rejection had become known. His information proceeded from a highly respectable stock-broker, who was on the Stock Exchange at the time. What he (Lord Brougham) therefore further wished to have was a return of the price of stock in said railway at twelve o'clock on Tuesday the 11th of March, and at four o'clock on the same day. He should also like to know who the sellers and purchasers were after the hour of twelve; for he believed that if he knew their names he should know some knaves.

The Earl of *Dalhousie* felt some difficulty in answering the question of his noble and learned Friend. He had already stated to their Lordships, that he was on all occasions desirous to afford every possible information that it could be for the interest of the public to give. He had no objection to make a Return to the House stating the hour at which the Board of Trade came to a decision in the case of the York and London Railway, if it were practicable; but he had no means of making that statement officially, as no minute was made as to the exact hour when any particular business was transacted. But this he could inform his noble Friend, that the Board at which the decision was made, was held in the afternoon of Tuesday. He was not the least inclined to contest the fact, that a fall took place in the value of shares; but he utterly denied that this fall was in consequence of any previous knowledge of that decision. The decision could not have been known so early as twelve o'clock, because it was not come to till the afternoon. The inference of his noble and learned Friend was, that a previous knowledge of the decision must have been obtained from a communication made by a Member of the Board, or that, in consequence of imperfect precautions for concealment, the opinions of the Board must have become revealed. He (the Earl of Dalhousie) denied both of these alternatives. It was perfectly well known that there had been three distinct parties contending for effecting a line of railway between London and York. One was called the London and York Railway; another, the Cambridge and Lincoln Railway; and the third, the Direct Northern Railway. Each of these were concerns of great extent and power; each had the command of large capital capable of carrying their schemes into effect. Every one of these parties was prepared to contest to the last its claims before Parliament. Matters remained in this position till Monday last; when a statement was made that the Direct Northern had seen it to be their interest to coalesce with the Cambridge and Lincoln. What was the consequence? Where two parties out of three, possessing great influence, and having great command of capital, coalesced against the third, the chances were that these two combined companies would be in an infinitely better position than the third. Now all this was well known to parties on the Stock Exchange on Monday. Up to Monday the proportion of the value in shares in the three schemes remained unaltered; but on Tuesday, the coalition being known, those who knew it naturally sold out of the London and York scheme, and bought into the Cambridge and Lincoln and Direct Northern combined scheme. The consequence was, that the shares in the latter necessarily went up, and those of the London and York went down in value. Could any thing be more natural than this? Of course the shares of the combined companies rose in value, but not because the decision of the Board of Trade was known, or because of the decision itself. He would venture to say, that if the parties who had sold their shares were put upon their oath, they would state that they sold them not from knowledge of the opinion of the Board of Trade, but from a moral conviction that the York and London Company would be defeated in consequence of the coalition between the Direct Northern and the Cambridge and Lincoln Companies. He (the Earl of Dalhousie) would repeat that there had not been on the part of any individual Member of the Railway Board any communication with respect to the London and York scheme, or any other scheme, until the determination of the Railway Board was published in the *Gazette;* and he would defy any persons to say that they had acted in their dealings with shares in these companies from any knowledge gathered as to what would be the decision of the Board previous to such publication.

Lord *Brougham* had not the slightest hesitation in stating that the explanation of his noble Friend was, to a certain degree, upon a most important matter, exceedingly satisfactory. He was bound in candour to admit that his (Lord Brougham's) informant, who was one of the most experienced members of the Stock Exchange, was wholly ignorant of the very important fact which the noble Earl had just announced; namely, the coalition of the Cambridge and Lincoln and Direct Northern Companies. No doubt that was a most important fact, and would have reduced the value of the shares of the London and York Company without any decision of the Board. He would consent to withdraw his Motion if the noble Earl would give the price of the shares at the periods of the day to which he (Lord Brougham) had already referred. Lord Brougham then insisted on the right of every Peer to demand information from a Minister, and that Lord Dalhousie ought not to take credit for giving it.

The Earl of *Dalhousie* admitted in the fullest manner, that it was the unquestionable right of any noble Lord to demand from a servant of the Crown whatever information he could with propriety give respecting the public duties appertaining to his department; and he (the Earl of Dalhousie) was at all times ready to afford that information; but he apprehended it was not the duty of a servant of the Crown to give that information which he had not got. If the noble and learned Lord had been behind the curtain as much as he (the Earl of Dalhousie) had, in matters of this nature, the noble Lord would have found that railway politics were extremely intricate matters.

Lord *Brougham* said, that what the noble Earl had just said, and every day's experience, showed how infinitely inconvenient and injurious it was to the public interest that there should exist in this country any secret tribunal such as this Railway Board.

Motion (by leave of the House) withdrawn.

Insolvent Debtors Act Amendment Bill.] The Earl of *Devon* presented a petition from the Gloucester Canal Company, complaining of the practice of railway companies charging very low for the carriage of goods, and compensating themselves by imposing very high charges on passengers. The noble Earl also presented a petition from Exeter, complaining of the law which prevents the arrest for debts below 20*l*.

Lord *Cottenham* disclaimed the honour of being the author of the Bill which had received the sanction of Parliament. His proposition was of a different character. He had proposed the abolition of imprisonment for debt; but he had proposed also that means should be provided for getting at the property of debtors. His object was to frame a machinery by which the creditor should have a right to call his debtor before the proper tribunal, to ascertain what property he possessed.

Jewish Disabilities Removal Bill.] On the Order of the Day being moved for going into Committee,

The Marquess of *Lansdowne* observed, that the Bill did not extend to Scotland and Ireland. He apprehended that that arose from there being no necessity for so extending the measure, in consequence of Jews being already admissible there to the offices to which it was proposed to admit them in England; but he should like to hear that fact stated upon authority.

The *Lord Chancellor* said, that the provisions of the Bill were unnecessary as regarded Scotland; and with respect to Ireland his impression was the same; but if any necessity should appear for extending the measure to that country, he should do so with much pleasure.

After a few words from Lord *Campbell*, the Bill went through Committee.

Companies Clauses Consolidation Bills.] The Earl of *Dalhousie* moved the second reading of these Bills.

Lord *Monteagle* called the attention of the House to the extent of private business before them. If there had been a difficulty in this respect last Session, it promised to be greater now. He would not venture to make any suggestion as to the course to be taken; but if their Lordships intended to make any new rule upon the subject, the sooner they did so the better. The noble Lord, in reference to something which had before fallen from him relative to the Board of Trade, said he admitted the zeal and ability with which the railway duties of that Department had been performed.

Bills read 2^{a}.

House adjourned.

HOUSE OF COMMONS,

Thursday, March 13, 1845.

Minutes.] Bills. *Public.—Reported.*—Bastardy.

Private. — 1°. Newcastle-upon-Tyne and North Shields Railway (Tynemouth Extension); Newcastle-upon-Tyne Port; Brighton, Lewes, and Hastings Railway (Keymer Branch); Winwick Rectory; Blackburn, Darwen, and Bolton Railway; St. Helen's Canal and Railway; Blackburn Waterworks; Manchester, Bury, and Rossendale Railway; Newcastle-upon-Tyne Coal Turn; Crediton Small Debts; Clerkenwell Improvement; Great Southern and Western Railway (Ireland); Birmingham Improvement; Duddeston and Nechells Improvement; Bedford and London and Birmingham Railway; Midland Railways (Ely to Lincoln); Shrewsbury, Oswestry, and Chester Junction Railway; Stoke-upon-Trent Market; Hemel Hempstead Small Tenements; Nottingham Inclosure; Kendal Reservoirs; London and South Western Railway (No. 2).

2°. Leicester Freemen's Allotments.

Reported.—Pudsey Gas.

Petitions Presented. By Mr. Shaw, from Protestant Inhabitants of Clonfert, and several other places in Ireland, for Encouragement to Church Education Society (Ireland).—By Mr. Mitcalfe, from North Shields Anti-Slavery Society, and by Sir Henry Smith, from Colchester Auxiliary to British and Foreign Anti-Slavery Society, against Importation of Hill Coolies into Colonies.—By Colonel Anson, from Agricultural Society of Lichfield, by Mr. Broadley, from Faxfleet, and several other places, by Sir Charles Knightley, from Brackley, and by the Earl of March, from Chichester, for Agricultural Relief from Taxation.—From Public Meeting assembled at Goatacre, for Repeal of Corn Laws.—By Mr. Gladstone, from Osier Growers of Newark-upon-Trent, against the Repeal of the Osier Duty.—By Mr. H. Baillie, from Inverness-shire, against any Alteration of Law relating to present System of Banking (Scotland).—By Mr. Hume, from Arbroath, for Alteration of Law relating to Blasphemy.—By Mr. E. Roche, from Sligo, and from Inhabitants of Erigal Keron, for Repeal of Charitable Donations and Bequests (Ireland) Act.—By Mr. Wyse, from Cork, for Alteration of Law relating to City and County Cess (Ireland).—By Mr. Pulsford, from Hereford, in favour of County Courts Bill (1844).—By Mr. Wyse, from Masters, Mates, and Seamen of Vessels belonging to the Port of Cork, against the Merchant Seamens' Fund Bill (1844); and from Guardians of Neagh Union, for Relief from Payment of Loan made by Government for Building Workhouse.—By Mr. Sheil, from Lewis Mariotti, against the System of Opening Letters addressed to Foreigners at the Post Office.—By Mr. Wakley, from Electors of Finsbury, for Post Office Inquiry.—By Mr. Ferrand, Captain Gordon, Mr. Alexander Murray, Mr. Nicholl, and Mr. Tancred, from a great number of places, for Diminishing the Number of Public Houses. — By Captain Gordon, from Aberdeen, and by Mr. A. Oswald, from Ayr, for Improving the Condition of Schoolmasters (Scotland).—By Mr. W. Patten, from Middleton, in favour of the Smoke Prohibition Bill.—By Lord J. Manners, from Spanish Officers and Soldiers, for Relief to Spanish Refugees.

Railway Clauses Consolidation Bill.] House in Committee for the further consideration of the Railway Clauses Consolidation Bill.

On Clause 70, giving power to the company to vary the tolls either upon the whole or upon any particular portions of the railway,

Mr. *Rice* proposed an Amendment, the effect of which would be to equalize the tolls over the whole of the line.

Mr. *Tatton Egerton* opposed the Amendment. He knew that in many cases railway companies were exceedingly anxious to carry third-class passengers at a very cheap rate; but, he believed, if they were obliged to equalize their tolls over the whole of the line, that they could not act so liberally towards the third-class passengers as they would wish to do.

Lord *G. Somerset* said, this was by no means a novel proposal. The matter had been considered very anxiously in several railway committees. It had been felt always to be a case of considerable difficulty, and it was thought to be one which could be better argued on a general, than on a particular case. The object of the clause was, if possible, to equalize the charge with the expense, so that more might be charged where the cost of maintenance was very heavy than on a part where the cost was very light. He had certainly received a great many communications upon this subject from gentlemen connected with the Medway Navigation, and he must say that he thought the opposition to this clause had originated with that company. He trusted, however, that the Committee would support the clause.

Mr. *Brotherton* thought it very desirable that there should be a uniformity of charge upon the whole of any line. See how the contrary would act; suppose that thirty miles from some large town through which the railway passed there was a colliery, and that ten miles further off there was another colliery; the company might purchase the nearer one, or might make the tolls upon the first thirty miles exceedingly low; but in order to prevent the coals from the other colliery coming into competition, they might place an exceedingly heavy toll upon that ten miles between the two collieries. Such a thing would be manifestly unjust; but he believed that something of the sort was practised now to a very great extent.

Mr. *Darby* must oppose the Amendment, for he believed that if acceded to it would have the effect of enabling the railway companies generally throughout the country to raise their tolls.

Mr. *Pakington* supported the Amendment, and begged to direct the attention of the Committee to the injurious effect which the clause as it stood would have upon canal companies. In answer to the argument of his noble Friend, that some portions of the line cost more to maintain than others, and that consequently on those parts higher rates should be charged than on the other parts, he should say, let the railway companies ascertain the cost of working the whole of their line, and then apportion it equally, so as to secure themselves, whilst they extended the charge over the whole of the line.

Mr. *Entwisle* said, that the whole of the arguments which had been urged against the clause seemed to be based upon the supposition that the railway companies acted in some other capacity than that of mere railway owners; either that they owned collieries or were opposed to some canal; without those admissions it appeared to him that the arguments in support of the Amendment would be quite untenable.

Mr. *Horsman* supported the Amendment. The companies in making their different tolls were actuated, not so much, he believed, by a regard to the cost of maintaining particular parts of the line, but that they acted rather in relation to the amount of competition that they had to deal with. If a canal competed for ten or twelve miles, or more, with a railway, on that distance the tolls would be exceedingly low; so as to enable the company to carry goods cheaper than the canal; but to make up for that, they would place a higher rate upon that part of the line where there was little or no competition.

Lord *G. Somerset* said, the suggestion seemed to be that the railway companies charged only according to the amount of competition with which they had to contend—that they charged as high as they could where there was no competition, and as little as possible where there was competition. That might be so; but he believed that if Parliament attempted to equalize the charge upon the whole of the line, the company would take good care to charge sufficiently high, so that on the whole the charges would probably be higher than they were at present. He trusted that the Committee would not accede to the Amendment. He should indeed prefer to strike the clause out altogether.

Mr. *Gladstone* should certainly be much surprised if the Committee should come to a very satisfactory conclusion upon this point, for he knew what a variety of conflicting opinions there were with regard to it. He believed that the proposed clause gave no more power to new railway companies than existing companies already possessed; and he felt quite confident, if the Committee carried any Amendment which should have the effect of charging equal rates upon the whole line, that hon. Gentlemen would not even then gain their object. This Bill would be delayed, and the clause would infallibly be expunged in the Private Committees. Look at a very common case upon railways. On the whole, a line might bear, comparatively speaking, a high rate of charge; and at the same time it might be necessary for the convenience of the public that there should be on a particular portion of the same line a very low rate of charge. Take for instance the Manchester and Birmingham Company; between Manchester and Stockport there was of course an immense intercourse, and it was of great consequence that the persons generally travelling there should be subject almost to a nominal rate of charge. Would Parliament interfere and say to that Company, "But you shan't charge at that low rate between Manchester and Stockport, unless you adopt the same rate on the whole of the line from beginning to end?" That was the case of a short distance on a long line. He would next take the case of a long distance. We should soon have a complete chain of railways from London to Edinburgh, Dundee, and on to Aberdeen; now, he thought it desirable that such railways should be enabled to compete with the steam-boats that plied to those places; but that could not be done unless they charged on the "through traffic" a lower rate than they did upon that of some intermediate parts of the line. To refer to the case of canals, he would say, that he knew railway companies possessed some advantages which canals did not. A railway company had the power of being carriers, and of varying their rates. The canals had neither. The question was, should they raise canals to the level of railways, or should they depress railways to the level of canals? He should think that to that question no one would hesitate to say, "Raise the canals to a level with the railways." He (Mr. Gladstone) saw nothing injurious in this power; and if the canals wished to possess it, he did not see how their claims could possibly be resisted. He had himself brought in a Bill for that purpose; and he was happy to say that the House had given its assent to the principle of that Bill without opposition. If the clause were not approved of, he would rather see it struck out altogether than have the Amendment pass. Companies would then have to do what they could before the Private Committees; and the result would be that in every case they would have inserted in their Bills the clause which the Committee had refused to insert in the General Bill.

The Committee divided:—Ayes 19; Noes 21: Majority 2.

List of the AYES.

Baring, rt. hn. W. B.
Burges, W. H. L.
Burroughes, H. N.
Darby, G.
Duncan, G.
Entwisle, W.
French, F.
Fuller, A. E.
Gill, T.
Greenall, P.
Hawes, B.
Hepburn, Sir T. B.
Horsman, E.
Jermyn, Earl
Lawson, A.
Rushbrooke, Col.
Smollett, A.
Somerset, Lord G.
Towneley, J.
Trelawny, J. S.
Wawn, J. T.

TELLERS.

Hayter, W. G.
Mackinnon, W. A.

List of the NOES.

Aldam, W.
Arkwright, G.
Brotherton, J.
Childers, J. W.
Deedes, W.
Douglas, J. D. S.
Dugdale, W. S.
Farnham, E. B.
Forbes, W.
Halford, Sir H.
Marsham, Visct.
Morrison, J.
Mundy, E. M.
Norreys, Sir D. J.
Pakington, J. S.
Plumptre, J. P.
Sibthorp, Col.
Stansfield W. R. C.
Wood, Col.

TELLERS.

Martin, C. W.
Rice, E. R.

Clause agreed to; as were the following clauses to the 81st.

On Clause 81, toll-collector to be personally liable to the company for the damage arising from the vexatious detention of any goods or luggage, upon application to a justice,

Colonel *Sibthorp* said, he should like to know what protection would be afforded to the public by such a clause as that.

He had heard an old proverb, "Sue a beggar, and catch a louse," and he really thought that that case would be very strictly analogous to suing a toll-collector for damage occasioned to a gentleman by the detention of his property. He wanted to know why there should not be a distress against the goods of the company?

Lord *G. Somerset* said, that his hon. and gallant Friend had mistaken the meaning of the clause, which was simply intended to punish the guilty person. By the preceding clause the public had a remedy against the company, and this clause then came in to give the company a remedy against their servant.

Clause agreed to.

On Clause 90, which gives power to the company, subject to the provisions in the Special Act, to regulate the use of the railway,

Colonel *Sibthorp* said, he believed there was an Act of Parliament somewhere compelling carriers speedily to deliver up goods intrusted to them to carry. He wanted to know why there was not a similar clause here?

Mr. *Hayter* said, if there were an Act regulating carriers, he should imagine that the same law would relate to one carrier as to another.

Mr. *Mackinnon* wished to call the attention of the noble Lord to a subject which appeared to him to be of great importance, and with regard to which he had consulted some very eminent engineers—he alluded to the necessity for having some correct and certain standard of time. One degree of longitude made a difference of about four minutes in time, and Dublin time was about fourteen minutes later than London time, and when lines of railway should be carried far into the West of Ireland, there would be a difference of about twenty-five minutes in the time. He did not mean to propose any Resolution; but he thought it right to allude to the subject, because the inconvenience that must result, unless something were done, must be very great, especially in cases where there were many branches running into the main line.

Mr. *Hayter* thought that the difficulty might very easily be obviated, by having two hands on the station clocks; one denoting the time at Greenwich, and the other denoting the time at another place.

Lord *G. Somerset* thought it would be better to leave the matter entirely to the railway companies themselves. With the very great responsibilities that they possesed, it would be very hard if power were not given to companies to manage in a great measure their own affairs after their own fashion.

Mr. *Plumptre* referred to the practice of excursion trips on Sundays. Hundreds and thousands of persons were upon the Sabbath frequently carried into towns and suburban districts, to an extent which it was fearful to contemplate in a Christian country. He would suggest, humbly but forcibly, that this travelling on the Lord's day should be put an end to.

Colonel *Sibthorp* said, if they stopped travelling by railways on Sunday, they should also extend the principle to omnibuses.

Mr. *Spooner* earnestly joined in the recommendation of his hon. Friend the Member for East Kent (Mr. Plumptre). It frequently happened that an immense train of persons entered into a quiet country place just as divine service was about to commence, much to the annoyance of all well-disposed persons. Such a desecration of the Sabbath was a disgrace to a Christian country, and he called upon the noble Lord, as a Christian legislator, to do something which should stop such a practice, fraught, as it must be with evil to the morals of the country.

Mr. *Muntz* said, no doubt the hon. Gentlemen who had spoken were quite sincere in their pious professions; but he knew that there were persons who could not afford themselves any relaxation or fresh air except upon a Sunday, and he looked upon it as a great advantage that those persons now had an opportunity of getting into the country at a cheap rate upon a Sunday. If they stopped this practice, they should not allow any gentleman's carriages to travel the streets on a Sunday, otherwise there would be one law for the rich and another for the poor. He submitted to the noble Lord that this was not a matter for the Committee to interfere in.

Mr. *Spooner* said, his chief object was to put a stop to those "pleasure trains," as they were called, or to take care that they should not arrive at or depart from a place just at the time of divine service.

Lord *G. Somerset* really did not think that this was a matter which it became them to discuss. It would be quite an era in legislation, and should be originated in a full House. He hoped, therefore, that his hon. Friends would excuse him if he declined entering into the matter further than to say that he could not insert anything with regard to Sunday travelling in this Bill.

House resumed. Committee to sit again.

House adjourned till five o'clock, and met again at that hour.

THE PORTLAND VASE.] Viscount *Mahon* wished to renew the question which he had before put to the right hon. Baronet at the head of Her Majesty's Government with respect to the preservation of works of art, arising out of the recent destruction of the Portland Vase. The House were aware that the punishment inflicted by the police magistrates on the individual who destroyed that valuable monument of antiquity was on account of the destruction, not of the vase itself, but of the glass case by which it was covered. When he before mentioned the subject in the House, his right hon. Friend said that the trustees of the British Museum were about holding a meeting on the subject; and that it would be advisable that that meeting should take place before any discussion was had on the subject in Parliament. That meeting having been since held, he now wished to know from his right hon. Friend, whether it was in contemplation to introduce any measure during the present Session for the better protection or better preservation of works of art.

Sir *Robert Peel* said, in answer to his noble Friend, he should beg to state that the trustees had since then considered the subject, and that Her Majesty's Government had also given it their consideration. The opinion of all parties was, that the law, as it at present stood, was confessedly defective, and that it afforded no protection for valuable works of art. The Government, therefore, intended to propose to the House a Bill on the subject. They were at present in communication with his hon. Friend the Solicitor General about the preparation of the Bill for that purpose, and he trusted that they would be able to lay it on the Table at an early day.

NEW ZEALAND.] Sir *Robert Peel* might take that opportunity of observing that an error, at which he was not at all surprised, had gone abroad with respect to some observations that had fallen from him during the recent debate on the New Zealand question. It was supposed that he had stated that Her Majesty's Government had received information of the issue by Captain Fitzroy, the Governor of that Colony, of the inconvertible debentures, and that his noble Friend the Secretary for the Colonies had signified to that gallant Officer his disapprobation of that issue. Now, in point of fact, the Colonial Department had received no official notification of the issue of inconvertible debentures by the Government of New Zealand; but they had received accounts of the issue at a former period of certain debentures, which were called convertible debentures, by Captain Fitzroy; and with respect to these his noble Friend had taken the earliest opportunity of informing the Governor of New Zealand that the issue of such securities did not meet his approbation.

THE PROPERTY TAX.] Mr. *Collett* wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer respecting the payment of the Property Tax on the Three and a Half per Cent. Consols. The tax commenced on the 5th of April, 1842, and it was deducted on the dividends next payable on the Three and a Quarter per Cent. Consols. Now, in consequence of the advance of a quarter made in the payment of dividends on the 5th of October, and as there was no certainty of the ceasing of the Property Tax at any very early period, he wished to know from the right hon. Gentleman whether he intended to exempt the holders of these Consols, on the 5th of July next, from the quarter of a year's Income Tax for which they were in advance.

The *Chancellor of the Exchequer* said, there would be no reason for exempting the holders of the Three per Cent. Consols from the Income Tax payable on their dividends due at the time alluded to, as during the period of three years they would have paid the tax on six dividends, which was the proper proportion in which they should have paid during that time. In the case of the holders of the Three and a Quarter per Cent. Consols, who had the time of paying their dividends changed from one quarter to another, there would be an evident injustice in obliging them to pay an extra quarter's Income Tax; and a Bill had been accordingly introduced last year for the purpose of giving them credit for the quarter's payment made by them.

EFFECTS OF CORN LAWS ON AGRICULTURISTS.] Mr. *Cobden* having presented a petition in favour of his Motion for a Committee of Inquiry, addressed the House as follows:—Sir, I am relieved upon the present occasion from any necessity for apologizing to the other side of the House for the Motion which I am about to submit. It will be in the recollection of hon. Members, that a fortnight before putting this Notice upon the Book, I expressed a hope that the matter would be taken up by some hon. Member opposite. I do not think, therefore, that in reply to any observations that I may have to make upon the question, I shall hear, as I did last year, an observation that the quarter from which this Motion came was suspicious. I may also add, Sir, that I have so framed my Motion as to include in it the objects embraced in both the Amendments which are made to it; I therefore conclude, that having included the hon. Gentlemen's Amendments (Mr. Stafford O'Brien and Mr. Wodehouse), they will not now feel it necessary to press them. Sir, the object of this Motion is to appoint a Select Committee to inquire into the present condition of the agricultural interests; and, at the same time, to ascertain how the laws regulating the importation of agricultural produce have affected the agriculturists of this country. As regards the distress among farmers, I presume we cannot go to a higher authority than those hon. Gentlemen who profess to be the farmers' friends and protectors. I find it stated by those hon. Gentlemen who recently paid their respects to the Prime Minister, that the agriculturists are in a state of great embarrassment and distress. I find that one gentleman from Norfolk (Mr. Hudson) stated that the farmers in the county are paying their rents, but paying them out of capital, and not profits. I find Mr. Turner, of Upton, in Devonshire, stating that one-half of the smaller farmers in that county are insolvent, and that the others are rapidly falling into the same condition; that the farmers with larger holdings are quitting their farms with a view of saving the rest of their property: and that, unless some remedial measures be adopted by this House, they will be utterly ruined. The accounts which I have given you of those districts are such as I have had from many other sources. I put it to hon. Gentlemen opposite, whether the condition of the farmers in Suffolk, Wiltshire, and Hampshire, is better than that which I have described in Norfolk and Devonshire? I put it to county Members, whether—taking the whole of the south of England, from the confines of Nottinghamshire to the Land's End—whether, as a rule, the farmers are not now in a state of the greatest embarrassment? There may be exceptions; but I put it to them whether, as a rule, that is not their condition in all parts? Then, Sir, according to every precedent in this House, this is a fit and proper time to bring forward the Motion of which I have given notice. I venture to state, that had his Grace of Buckingham possessed a seat in this House, he would have done now what he did when he was Lord Chandos—have moved this Resolution which I am now about to move. The distress of the farmer being admitted, the next question which arises is, what is its cause? I feel a greater necessity to bring forward this Motion for a Committee of Inquiry, because I find great discrepancies of opinion among hon. Gentlemen opposite as to what is the cause of the distress among the farmers. In the first place, there is a discrepancy as to the generality or locality of the existing distress. I find the right hon. Baronet at the head of the Government saying that the distress is local; and he moreover says it does not arise from the legislation of this House. The hon. Member for Dorsetshire declares, on the other hand, that the distress is general, and that it does not arise from legislation. I am at a loss to understand what this protection to agriculture means, because I find such contradictory accounts given in this House by the promoters of that system. For instance, nine months ago, when my hon. Friend the Member for Wolverhampton brought forward his Motion for the Abolition of the Corn Laws, the right hon. Gentleman then the President of the Board of Trade, in replying to him, said that the present Corn Law had been most successful in its operations. He took great credit to the Government for the steadiness of price that was obtained under that law. I will read you the quotation, because we find these statements so often controverted. He said,—

> "Was there any man who had supported the law in the year 1842 who could honestly say that he had been disappointed in its workings?

Could any one point out a promise or a prediction hazarded in the course of the protracted debates upon the measure, which promise or prediction had been subsequently falsified?"

Now, recollect that the right hon. Gentleman was speaking when wheat was 56*s*. per quarter, and that wheat is now 45*s*. The right hon. Baronet at the head of the Government now says, "My legislation has had nothing to do with wheat being at 45*s*. a quarter;" but how are we to get over the difficulty that the responsible Member of Government at the head of the Board of Trade, only nine months ago, claimed merit for the Government having kept up the price of wheat at 56*s*.? These discrepancies themselves between the Government and its supporters, render it more and more necessary that this question of protection should be inquired into. I ask, what does it mean? The price of wheat is 45*s*. this day. I have been speaking to the highest authority in England upon this point—one who is often quoted by this House—within the last week, and he tells me, that with another favourable harvest, he thinks it very likely that wheat will be 35*s*. a quarter. What does this legislation mean, or what does it purport to be, if you are to have prices fluctuating from 56*s*. down to 35*s*. a quarter, and probably lower? Can you prevent it by the legislation of this House? That is the question. There is a great delusion spread abroad amongst the farmers; and it is the duty of this House to have that delusion dissipated by inquiring into the matter. Now, there are these very different opinions on the other side of the House; but there are Members upon this side representing very important interests, who think that farmers are suffering because they have this legislative protection. There is all this difference of opinion. Now, is not that a fit and proper subject for your inquiry? I am prepared to go into a Select Committee, and to bring forward evidence to show that the farmers are labouring under great evils—evils that I would connect with the legislation of this House, though they are evils which appear to be altogether dissociated from it. The first great evil under which the farmer labours is the want of capital. No one can deny that. I do not mean at all to disparage the farmers. The farmers of this country are just the same race as the rest of us; and, if they were placed in a similar position, theirs would be as good a trade—I mean that they would be as successful men of business as others—but it is notorious as a rule that the farmers of this country are deficient in capital; and I ask, how can any business be carried on successfully where there is a deficiency of capital? I take it that hon. Gentlemen opposite, acquainted with farming, would admit that 10*l*. an acre, on an arable farm, would be a sufficient amount of capital for carrying on the business of farming successfully. I will take it, then, that 10*l*. an acre would be a fair capital for an arable farm. I have made many inquiries upon this subject in all parts of the kingdom, and I give it you as my decided conviction, that at this present moment farmers do not average 5*l*. an acre capital on their farms. I speak of England, and I take England south of the Trent, though, of course, there are exceptions in every county; there are men of large capital in all parts—men farming their own land; but, taking it as a rule, I hesitate not to give my opinion—and I am prepared to back that opinion by witnesses before your Committee—that, as a rule, farmers have not, upon an average, more than 5*l*. an acre capital for their arable land. I have given you a tract of country to which I may add all Wales; probably 20,000,000 of acres of cultivable land. I have no doubt whatever, that there are 100,000,000*l*. of capital wanting upon that land. What is the meaning of farming capital? There are strange notions about the word "capital." It means more manure, a greater amount of labour, a greater number of cattle, and larger crops. Picture a country in which you can say there is a deficiency of one-half of all those blessings which ought to, and might, exist there, and then judge what the condition of labourers wanting employment and food is. But you will say, capital would be invested if it could be done with profit. I admit it; that is the question I want you to inquire into. How is it that in a country where there is a plethora of capital, where every other business and pursuit is overflowing with money, where you have men going to France for railways and to Pennsylvania for bonds, embarking in schemes for connecting the Atlantic with the Pacific by canals, railways in the valley of the Mississippi, and sending their money to the bottom of the Mexican mines—while you have a country rich and overflowing, ready to take investments in every corner of the globe—how is it, I say, that this capital does not find its employment in the most attractive of all forms — upon the soil of this country? The cause is notorious—it is admitted by your highest authorities: the reason is, there is not security for capital in land. Capital shrinks instinctively from insecurity of tenure; and you have not in England that security which would warrant men of capital investing their money in the soil. Now, is it not a matter worthy of consideration, how far this insecurity of tenure is bound up with that protective system of which you are so enamoured? Suppose it can be shown that there is a vicious circle; that you have made politics of Corn Laws, and that you want voters to maintain them; that you very erroneously think that the Corn Laws are your great mine of wealth, and, therefore, you must have a dependent tenantry, that you may have their votes at elections to maintain this law in Parliament. Well, if you will have dependent voters, you cannot have men of spirit and capital. Then your policy reacts upon you. If you have not men of skill and capital, you cannot have improvements and employment for your labourers. Then comes round that vicious termination of the circle—you have pauperism, poor-rates, county-rates, and all the other evils of which you are now speaking and complaining. Now, Sir, I like to quote from the highest authority upon that side of the House. I will just state to you what is the opinion of the hon. Member for Berkshire (Mr. Pusey) upon this subject. When speaking at a meeting of the Agricultural Society, he says,—

"He knew this country well, and he knew that there was not a place from Plymouth to Berwick in which the landlords might not make improvements; but when the tenant was short of money, the landlord generally would be short of money too. But he would tell them how to find funds. There were many districts where there was a great superfluity not only of useless but of mischievous timber, and if they would cut that down which excluded the sun and air and fed on the soil, and sell it, they would benefit the farmer by cutting it down, and they would benefit the farmer, and the labourer too, by laying out the proceeds in under-draining the soil. There was another mode in which they might find money. He knew that on some properties a large sum was spent in the preservation of game. It was not at all unusual for the game to cost 500*l.* or 600*l.* a year; and if this were given up the money would employ one hundred able-bodied labourers during the winter in improving the property. This was another fund for the landlords of England to benefit the labourers and the farmers at the same time."

Now, there is another authority—a very important member of your Protection Society—Mr. Fisher Hobbes, who thus speaks at a meeting of the Colchester Agricultural Association,—

"He was aware that a spirit of improvement was abroad. Much was said about the tenant-farmers doing more. He agreed they might do more; the soil of the country was capable of greater production; if he said one fourth more he should be within compass. But that could not be done by the tenant-farmer alone; they must have confidence; it must be done by leases; by draining; by extending the length of fields; by knocking down hedge-rows and clearing away trees which now shielded the corn."

I will quote a still higher authority. Lord Stanley, at a late meeting at Liverpool, said,—

"I say, and as one connected with the land I feel myself bound to say it, that a landlord has no right to expect any great and permanent improvement of his land by the tenant, unless that tenant be secured the repayment of his outlay, not by the personal character or honour of his landlord, but by a security which no casualties can interfere with—the security granted him by the terms of a lease for years."

Now, Sir, not only does the want of security prevent capital flowing into the farming business, but it actually deters from the improvement of the land those who are already in the occupation of it. There are many men, tenants of your land, who could improve their farms if they had a sufficient security, and they have either capital themselves or their friends could supply it; but with the absence of leases, and the want of security, you are actually deterring them from laying out their money upon your land. They keep everything the same from year to year. You know that it is impossible to farm your estates properly unless a tenant has an investment for more than one year. A man ought to be able to begin a farm with at least eight years before him, before he expects to see a return for the whole of the outlay of his money. You are, therefore, keeping your tenants-at-will at a yearly kind of cultivation, and you are preventing them carrying on their businesses in a proper way. Not only do you prevent the laying out of capital upon your land, and disable the farmers from cultivating it, but your policy tends to make them servile and dependent; so that they are actually disinclined to improvement, afraid to let you see that they can improve, because they are apprehensive that you will pounce upon them for an increase of rent. I see the hon. Member for Lincolnshire opposite, and he rather smiled at the expression when I said that the state of dependence of the farmers was such that they were actually afraid to appear to be improving their land. Now, that hon. Gentleman the Member for Lincolnshire (Mr. Christopher), upon the Motion made last year for agricultural statistics, by my hon. Friend the Member for Manchester, (Mr. Milner Gibson), made the following statement,—

> "It is most desirable for the farmer to know the actual quantity of corn grown in this country, as such knowledge would insure steadiness of prices, which was infinitely more valuable to the agriculturist than fluctuating prices. But to ascertain this there was extreme difficulty. They could not leave it to the farmer to make a return of the quantity which he produced, for it was not for his interest to do so. If in any one or two years he produced four quarters per acre on land which had previously grown but three, he might fear that his landlord would say, 'Your land is more productive than I imagined, and I must therefore raise your rent.' The interest of the farmers, therefore, would be to underrate, and to furnish low returns."

And here is further evidence of the same kind, which I find at a meeting of the South Devonshire Agricultural Association. The Rev. C. Johnson said,—

> "He knew it had been thought that landlords were ready to avail themselves of such associations, on account of the opportunity it afforded them for diving into their tenants' affairs, and opening their eyes. An instance of this occurred to him at a recent ploughing match, where he met a respectable agriculturist whom he well knew, and asked him if he was going to it. He said, 'No.' 'Why?' Because he did not approve of such things. This 'why' produced another 'why,' and the man gave a reason why. Suppose he sent a plough and man with two superior horses, the landlord at once would say, 'This man is doing too well on my estate,' and increase the rent."

Now, I ask hon. Gentlemen here, the landed gentry of England, what a state of things is that when, upon their own testimony respecting the farming capitalists in this country, they dare not appear to have a good horse—they dare not appear to be growing more than four quarters instead of three? [Mr. *Christopher:* Hear.] The hon. Member cheers, but I am quoting from his own authority. I say, this condition of things, indicated by those two quotations, brings the tenant-farmers—if they are such as these Gentlemen describe them to be — it brings them down to a very low point of servility. In Egypt, Mehemet Ali takes the utmost grain of corn from his people, who bury it beneath their hearth-stones in their cottages, and will suffer the bastinado rather than tell how much corn they grow. Our tenants are not afraid of the bastinado, but they are terrified at the rise of rent. This is the state of things amongst the tenant-farmers, farming without leases. In England leases are the exception, and not the rule. But even when you have leases in England—where you have leases or agreements—I doubt whether they are not in many cases worse tenures than where there is no lease at all; the clauses being of such an obsolete and preposterous character as to defy any man to carry on the business of farming under them profitably. I do not know whether the hon. Member for Cheshire is here, but if so I will read him a passage from an actual Cheshire lease, showing what kind of covenants farmers are called on to perform:—

> "To pay the landlord 20*l.* for every statute acre of ground, and so in proportion for a less quantity, that shall be converted into tillage, or used contrary to the appointment before made; and 5*l.* for every cwt. of hay, thrave of straw, load of potatoes, or cartload of manure, that shall be sold or taken from the premises during the term; and 10*l.* for every tree fallen, cut down, or destroyed, cropped, lopped, or stopped, or willingly suffered so to be; and 20*l.* for any servant or other person so hired or admitted as to gain a settlement in the township; and 10*l.* per statute acre, and so in proportion for a less quantity, of the said land, which the tenant shall let off or underlet. Such sums to be paid on demand after every breach, and in default of payment to be considered as reserved rent, and levied by distress and sale as rent in arrear may be levied and raised. And to do six days' boon team work whenever called upon; and to keep for the landlord one dog, and one cock or hen; and to make no marlpit without the landlord's consent being first obtained in writing, after which the same is to be properly filled in; nor to allow any inmate to remain on the premises after six days' notice; nor to keep

or feed any sheep except such as are used for the consumption of the family."

Now, what is such an instrument but a trap for the unwary man? It is a barrier against men of intelligence and capital, and it is a fetter to the mind of any free man. No man could farm under such a lease as that, or under such clauses as it contains. [Sir *C. Burrell:* Hear, hear.] I perceive that the hon. Member for Shoreham (Sir Charles Burrell) is cheering. I will by and by allude to one of the hon. Member's own leases. You will find in your own leases, though there be not stipulations for cocks and hens, and dogs, and probably team-work, yet there are almost as great absurdities in every lease and agreement you have. What are those leases? Why, they are generally some old musty instruments which a lawyer's clerk takes out of a pigeon-hole, and writes out for every fresh incoming tenant;—a thing which seems to have been in existence for 100 years. You tie them down by the most absurd restrictions; you do not give men credit for being able to discover any improvement next year and the year after; but you go upon the assumption that men are not able to improve, and you do your best to prevent them from doing so. Now, I do not know why we should not in this country have leases for land upon similar terms to the leases of manufactories, or any "plant" or premises. I do not think that farming will ever be carried on as it ought to be until you have leases drawn up in the same way as a man takes a manufactory, and pays perhaps 1,000*l.* a year for it. I know people who pay 4,000*l.*a year for manufactories to carry on their business, and at fair rents. There is an hon. Gentleman near me who pays more than 4,000*l.* a year for the rent of his manufactory. What covenants do you think he has in his lease? What would he think if it stated how many revolutions there should be in a minute of the spindles, or if they prescribed the construction of the straps or the gearing of the machinery? Why, he takes his manufactory with a schedule of its present state—bricks, mortar, and machinery—and when the lease is over, he must leave it in the same state, or else pay a compensation for the dilapidation. [The *Chancellor of the Exchequer:* Hear, hear.] The right hon. Gentleman the Chancellor of the Exchequer cheers that statement. I want to ask his opinion respecting a similar lease for a farm. I am rather disposed to think that the Anti-Corn-Law Leaguers will very likely form a joint-stock association, having none but free traders in the body, that we may purchase an estate and have a model farm; taking care that it shall be in one of the rural counties, one of the most purely agricultural parts of the country, where we think there is the greatest need of improvement—perhaps in Buckinghamshire—and there shall be a model farm, homestead, and cottages; and I may tell the noble Lord the Member for Newark, that we shall have a model garden, and we will not make any boast about it. But the great object will be to have a model lease. We will have as the farmer a man of intelligence and capital. I am not so unreasonable as to tell you that you ought to let your land to men who have not a competent capital, or are not sufficiently intelligent; but I say, select such a man as that, let him know his business and have a sufficient capital, and you cannot give him too wide a scope. We will find such a man, and will let him our farm; there shall be a lease precisely such as that upon which my hon. Friend takes his factory. There shall be no clause inserted in it to dictate to him how he shall cultivate his farm; he shall do what he likes with the old pasture. If he can make more by ploughing it up he shall do so; if he can grow white crops every year—which I know there are people doing at this moment in more places than one in this country, or if he can make any other improvement or discovery, he shall be free to do so. We will let him the land, with a schedule of the state of tillage and the condition of the homestead, and all we will bind him to will be this:—"You shall leave the land as good as when you entered upon it. If it be in an inferior state it shall be valued again, and you shall compensate us; but if it be in an improved state it shall be valued, and we, the landlords, will compensate you." We will give possession of everything upon the land, whether it be wild or tame animals; he shall have the absolute control. Take as stringent precautions as you please to compel the punctual payment of the rent; take the right of re-entry as summarily as you like if the rent be not duly paid; but let the payment of rent duly be the sole test as to the well-doing of the tenant; and so long as he can pay the rent, and do it promptly, that is the only criterion you need have that the farmer is doing well; and if he is a man of capital, you have the strongest possible security that he will not waste your property while he has possession of it. I have sometimes heard hon. Gentlemen opposite say, "It is all very well for you to preach up leases, but there are many farmers who do not want them. We have asked them, and they will not take them." ["Hear, hear."] The hon. Gentleman cheers that remark. But what does it argue? That by that process which the Member for Lincolnshire has described —that degrading process—you have rendered those tenants servile, hopeless, and dejected, so that they have not the spirit of men when they are carrying on their business. Now, hear what Professor Low states, he being, as you are aware, a professor of agriculture,—

> "The argument has again and again been used against an extension of leases, that the tenants themselves set no value upon them; but to how different a conclusion ought the existence of such a feeling amongst the tenantry of a country to conduct us! The fact itself shows that the absence of leases may render a tenantry ignorant of the means of employing their own capital with advantage, indisposed to the exertions which improvements demand, and better contented with an easy rent and dependent condition than with the prospect of an independence to be earned by increased exertion."

Whilst you have a tenantry in the state pictured by the hon. Member for Lincolnshire, what must be the state of the peasantry? Your labourers can never be prosperous when the tenants are depressed. Go through the length and breadth of the land, and you will find that where capital is in the greatest abundance, and capitalists are most intelligent, there you will invariably find the working classes most prosperous and happy; and, on the other hand, show me an impoverished and enfeebled tenantry—go to the north of Devonshire, for instance, and show me a tenantry like that—and there you will find a peasantry sunk into the most hopeless and degraded condition. Now, Sir, I have mentioned a deficiency of capital as being the primary want amongst farmers. I have stated the want of security in leases as the cause of the want of capital; but you may still say, "You have not connected this with the Corn Laws and the protective system." I will read the opinion of an hon. Gentleman who sits upon this side of the House; it is in a published letter of Mr. Hayter, who, I know, is himself an ardent supporter of agriculture. He says,—

> "The more I see of and practise agriculture, the more firmly am I convinced that the whole unemployed labour of the country could, under a better system of husbandry, be advantageously put into operation; and moreover, that the Corn Laws have been one of the principal causes of the present system of bad farming, and consequent pauperism. Nothing short of their entire removal will ever induce the average farmer to rely upon anything else than the Legislature for the payment of his rent; his belief being that all rent is paid by corn, and nothing else than corn; and that the Legislature can, by enacting Corn Laws, create a price which will make his rent easy. The day of their (the Corn Laws) entire abolition ought to be a day of jubilee and rejoicing to every man interested in land."

Now, Sir, I do not stop to connect the cause and effect in this matter, and inquire whether your Corn Laws or your protective system have caused the want of leases and capital. I do not stop to make good my proof, and for this reason, that you have adopted a system of legislation in this House by which you profess to make the farming trade prosperous. I show you, after thirty years' trial, what is the depressed condition of the agriculturists; I prove to you what is the impoverished state of farmers, and also of the labourers, and you will not contest any one of those propositions. I say it is enough, having had thirty years' trial of your specific with no better results than these, for me to ask you to go into Committee to see if something better cannot be devised. I am going to contend, that free trade in grain would be more advantageous to farmers—and with them I include labourers—than restriction; to oblige the hon. Member for Norfolk, I will take with them also the landlords; and I contend that free trade in corn and grain of every kind would be more beneficial to them than to any other class of the community. I should have contended the same before the passing of the late Tariff, but now I am prepared to do so with tenfold more force. What has the right hon. Baronet (Sir R. Peel) done? He has passed a law to admit fat cattle at a nominal duty. Some foreign fat cattle were selling in Smithfield the other day at about 15*l.* or 16*l.* per head, paying only about 7½ per cent. duty; but he has not admitted the raw material out of which these fat cattle are made. Mr. Huskisson did not act in this manner when he commenced his plan of free trade. He began by admitting the raw material of manufactures before he admitted the manufactured article; but in your case you have commenced at precisely the opposite end, and have allowed free trade in cattle instead of that upon which they are fattened. I say, give free trade in that grain which goes to make the cattle. I contend, that by this protective system the farmers throughout the country are more injured than any other class in the community. I would take, for instance, the article of cloverseed. The hon. Member for North Northamptonshire put a question the other night to the right hon. Baronet at the head of the Government. He looked so exceedingly alarmed, that I wondered what the subject was which created the apprehension. He asked the right hon. Baronet whether he was going to admit cloverseed into this country? I believe cloverseed is to be excluded from the Schedule of free importation. Now, I ask for whose benefit is this exception made? I ask the hon. Gentleman the Member for North Northamptonshire, whether those whom he represents, the farmers of that district of the county, are, in a large majority of instances, sellers of cloverseed? I will undertake to say they are not. How many counties in England are there which are benefited by the protection of cloverseed? I will take the whole of Scotland. If there be any Scotch Members present, I ask them whether they do not in their country import the cloverseed from England? They do not grow it. I undertake to say that there are not ten counties in the United Kingdom which are interested in the exportation of cloverseed out of their own borders. Neither have they any of this article in Ireland. But yet we have cloverseed excluded from the farmers, although they are not interested as a body in its protection at all. Again, take the article of beans. There are lands in Essex where they can grow them alternate years with wheat. I find that beans come from that district to Mark-lane; and I believe also that in some parts of Lincolnshire and Cambridgeshire they do the same; but how is it with the poor lands of Surrey or the poor downland of Wiltshire? Take the whole of the counties. How many of them are there which are exporters of beans, or send them to market? You are taxing the whole of the farmers who do not sell their beans, for the pretended benefit of a few counties or districts of counties where they do. Mark you, where they can grow beans on the stronger and better soils, it is not in one case out of ten that they grow them for the market. They may grow them for their own use; but where they do not cultivate beans, send them to market, and turn them into money, those farmers can have no interest whatever in keeping up the money price of that which they never sell. Take the article of oats. How many farmers are there who ever have oats down on the credit side of their books, as an item upon which they rely for the payment of their rents? The farmers may, and do generally, grow oats for feeding their own horses; but it is an exception to the rule—and a rare exception too—where the farmer depends upon the sale of his oats to meet his expenses. Take the article of hops. You have a protection upon them for the benefit of the growers in Kent, Sussex, and Surrey; but yet the cultivators of hops are taxed for the protection of others in articles which they do not themselves produce. Take the article of cheese. Not one farmer in ten in the country makes his own cheese, and yet they and their servants are large consumers of it. But what are the counties which have the protection in this article? Cheshire, Gloucestershire, Wiltshire, part of Derbyshire, and Leicestershire. Here are some four or five dairy counties having an interest in the protection of cheese: but recollect that those counties are peculiarly hardly taxed in beans and oats, because in those counties where they are chiefly dairy farms, they are most in want of artificial food for their cattle. There are the whole of the hilly districts; and I hope my friend the Member for Nottingham (Mr. Gisborne) is here, because he has a special grievance in this matter; he lives in Derbyshire, and very commendably employs himself in rearing good cattle upon the hills: but he is taxed for your protection for his beans, peas, oats, Indian corn, and every thing which he wants for feeding them. He told me, only the other day, that he should like nothing better than to give up the little remnant of protection on cattle, if you would only let him buy a thousand quarters of black oats for the consumption of his stock. Take the whole of the hilly districts, and the down county of Wiltshire; the whole of that expanse of downs in the South of England; take the Cheviots, where the flockmasters reside; the Grampians in Scotland; and take the whole of Wales, they are not benefited in the slightest degree by the protection on these articles; but, on the contrary, you are taxing the very things they want. They require provender as abundantly and cheaply as they can get it. Allowing a free importation of food for cattle is the only way in which those counties can improve the breed of their lean stocks, and the only manner in which they can ever bring their land up to anything like a proper state of fertility. I will go farther and say, that farms with thin soil, I mean the stock farmers, which you will find in Hertfordshire and Surrey, farmers with large capitals, arable farmers, I say those men are deeply interested in having a free importation of food for their cattle, because they have thin poor land. This land of its ownself does not contain the means of its increased fertility; and the only way is the bringing in of an additional quantity of food from elsewhere, that they can bring up their farms to a proper state of cultivation. I have been favoured with an estimate made by a very experienced clever farmer in Wiltshire—probably hon. Gentlemen will bear me out, when I say a man of great intelligence and skill, and entitled to every consideration in this House. I refer to Mr. Nathaniel Atherton, Kington, Wilts. That gentleman estimates that upon 400 acres of land he could increase his profits to the amount of 280*l.*, paying the same rent as at present, provided there was a free importation of foreign grain of all kinds. He would buy 500 quarters of oats at 15*s.*, or the same amount in beans or peas at 14*s.* or 15*s.* a sack, to be fed on the land or in the yard; by which he would grow additional 160 quarters of wheat, and 230 quarters of barley, and gain an increased profit of 300*l.* upon his sheep and cattle. His plan embraces the employment of an additional capital of 1,000*l.*; and he would pay 150*l.* a year more for labour. I had an opportunity, the other day, of speaking to a very intelligent farmer in Hertfordshire, Mr. Lattimore, of Wheathampstead. Very likely there are hon. Members here to whom he is known. I do not know whether the noble Lord the Member for Hertfordshire is present; if so, he will, no doubt, know that Mr. Lattimore stands as high in Hertford market as a skilful farmer and a man of abundant capital as any in the county. He is a gentleman of most unquestionable intelligence; and what does he say? He told me that last year he paid 230*l.* enhanced price on his beans and other provender which he bought for his cattle:—230*l.* enhanced price in consequence of that restriction upon the trade in foreign grain, amounting to 14*s.* a quarter on all the wheat he sold off his farm. Now, I undertake to say, in the names of Mr. Atherton, of Wiltshire, and Mr. Lattimore, of Hertfordshire, that they are as decided advocates for free trade in grain of every kind as I am. I am not now quoting merely solitary cases. I told hon. Gentlemen once before that I have probably as large an acquaintance among farmers as any one in the House. I think I could give you from every county the names of some of the first-rate farmers who are as ardent free-traders as I am. I requested the Secretary of this much dreaded Anti-Corn Law League to make me out a list of the farmers who are subscribers to that Association, and I find there are upwards of 100 in England and Scotland who subscribe to the League Fund, comprising, I hesitate not to say, the most intelligent men to be found in the kingdom. I went into the Lothians, at the invitation of twenty-two farmers there, several of whom were paying upwards of 1,000*l.* a year rent. I spent two or three days among them, and I never found a body of more intelligent, liberal-minded men in my life. Those are men who do not want restrictions upon the importation of grain. They desire nothing but fair play. They say, "Let us have our Indian corn, Egyptian beans, and Polish oats as freely as we have our linseed cake, and we can bear competition with any corn-growers in the world." But by excluding the provender for cattle, and at the same time admitting the cattle almost duty free, I think you are giving an example of one of the greatest absurdities and perversions of nature and common sense which ever was seen. We have heard of great absurdities in legislation in commercial matters of late. We know that there has been such a case as sending coffee from Cuba to the Cape of Good Hope, in order to bring it back to England under the law; but I venture to say, that in less than ten years from this time people will look back with more amazement in their minds at the fact that, while you are sending ships to Ichaboe to bring back the guano, you are passing a law to exclude Indian corn, beans, oats, peas, and everything else that gives nourishment to your cattle, which would give you a thousand times more productive manure than all the guano of Ichaboe. Upon the last occasion when I spoke upon this subject, I was answered by the right hon. Gentleman the President of the Board of Trade. He talked about throwing poor lands out of cultivation, and converting arable lands into pasture. I hope that we men of the Anti-Corn Law League may not be reproached again with seeking to cause any such disasters. My belief is—and the conviction is founded upon a most extensive inquiry amongst the most intelligent farmers, without stint of trouble and pains—that the course you are pursuing tends every hour to throw land out of cultivation, and make poor lands unproductive. Do not let us be told again that we desire to draw the labourers from the land, in order that we may reduce the wages of the work-people employed in factories. I tell you that, if you bestow capital on the soil, and cultivate it with the same skill as manufacturers bestow upon their business, you have not population enough in the rural districts for the purpose. I yesterday received a letter from Lord Ducie, in which he gives precisely the same opinion. He says, "If we had the land properly cultivated, there are not sufficient labourers to till it." You are chasing your labourers from village to village, passing laws to compel people to support paupers, devising every means to smuggle them abroad—to the antipodes, if you can get them there; why, you would have to run after them, and bring them back again, if you had your land properly cultivated. I tell you honestly my conviction, that it is by these means, and these only, that you can avert very great and serious troubles and disasters in your agricultural districts. Sir, I remember, on the last occcasion when this subject was discussed, there was a great deal said about disturbing an interest. It was said this inquiry could not be gone into, because we were disturbing and unsettling a great interest. I have no desire to undervalue the agricultural interest. I have heard it said that they are the greatest consumers of manufactured goods in this country; that they are such large consumers of our goods that we had better look after the home trade, and not think of destroying it. But what sort of consumers of manufactures think you the labourers can be, with the wages they are now getting in agricultural districts? Understand me: I am arguing for a principle that I solemnly believe would raise the wages of the labourers in the agricultural districts. I believe you would have no men starving upon 7*s.* a week, if you had abundant capital and competent skill employed upon the soil; but I ask what is this consumption of manufactured goods that we have heard so much about? I have taken some pains, and made large inquiries as to the amount laid out in the average of cases by agricultural labourers and their families for clothing; I probably may startle you by telling you that we have exported in one year more of our manufactures to Brazil than have been consumed in a similar period by the whole of your agricultural peasantry and their families. You have 960,000 agricultural labourers in England and Wales, according to the last census; I undertake to say they do not expend on an average 30*s.* a year on their families, supposing every one of them to be in employ. I speak of manufactured goods excluding shoes. I assert that the whole of the agricultural peasantry and their families in England and Wales do not spend a million and a half per annum for manufactured goods, in clothing and bedding. And, with regard to your exciseable and duty-paying articles, what can the poor wretch lay out upon them, who out of 8*s.* or 9*s.* a week has a wife and family to support? I undertake to prove to your satisfaction—and you may do it yourselves if you will but dare to look the figures in the face—I will undertake to prove to you that they do not pay, upon an average, each family, 15*s.* per annum; that the whole of their contributions to the Revenue do not amount to 700,000*l.* Now, is not this a mighty interest to be disturbed? I would keep that interest as justly as though it were one of the most important; but I say, when you have by your present system brought down your agricultural peasantry to that state, have you anything to offer for bettering their condition, or at all events to justify resisting an inquiry? On the last occasion when I addressed the House upon this subject, I recollect stating some facts to show that you had no reasonable ground to fear foreign competition; those facts I do not intend to reiterate, because they have never been contradicted. But there are still attempts made to frighten people by telling them, "If you open the ports to foreign corn, you will have corn let in here for nothing." One of the favourite fallacies which are now put forth is this: "Look at the price of corn in England, and see what it is abroad; you have prices low here, and yet you have corn coming in from abroad and paying the maximum duty. Now, if you had not 20*s.* duty to pay, what a quantity of corn you would have brought in, and how low the price would be!" This statement arises from a fallacy—I hope not dishonestly put forth—in not understanding the difference between the real and the nominal price of corn. The price of corn at Dantzic now, when there is no regular sale, is nominal; the price of corn when it is coming in regularly is the real price. Now, go back to 1838: in January of that year the price of wheat at Dantzic was nominal; there was no demand for England; there were no purchasers except for speculation, with the chance, probably, of having to throw the wheat into the sea; but in the months of July and August of that year, when apprehensions arose of a failure of our harvest, then the price of corn in Dantzic rose instantly, sympathising with the markets in England; and at the end of the year, in December, the price of wheat at Dantzic had doubled the amount at which it had been in January; and during the three following years, when you had a regular importation of corn, during all that time, by the averages laid upon the Table of this House, wheat at Dantzic averaged 40*s.* Wheat at Dantzic was at that price during the three years 1839, 1840, and 1841. Now, I mention this just to show the fact to hon. Gentlemen, and to entreat them that they will not go and alarm their tenantry by this outcry of the danger of foreign competition. You ought to be pursuing a directly opposite course—you ought to be trying to stimulate them in every possible way — by showing that they can compete with foreigners; that what others can do in Poland, they can do in England. I have an illustration of this subject in the case of a Society of which the hon. Member for Suffolk is Chairman. We have lately seen a new light spreading amongst agricultural gentlemen. We are told the salvation of this country is to arise from the cultivation of flax. There is a National Flax Society, of which Lord Rendlesham is the President. This Flax Society state in their prospectus, a copy of which I have here, purporting to be the First Annual Report of the National Flax Agricultural Improvement Association—after talking of the Ministers holding out no hope from legislation, the Report goes on to state that upon these grounds the National Flax Society call upon the nation for its support, on the ground that they are going to remedy the distresses of the country. The founder of this Society is Mr. Warnes of Norfolk. I observe Mr. Warnes paid a visit to Sussex, and he attended an agricultural meeting at which the hon. Baronet the Member for Shoreham (Sir Charles Burrell) presided. After the usual loyal toasts, the hon. Baronet proposed the toast of the evening, "Mr. Warnes and the cultivation of flax." The hon. Baronet was not aware, I dare say, that he was then furnishing a most deadly weapon to the lecturers of the Anti-Corn Law League. We are told you cannot compete with foreigners unless you have a high protective duty. You have a high protective duty on wheat, amounting at this moment to 20*s.* a quarter. A quarter of wheat at the present time is just worth the same as one cwt. of flax. On a quarter of wheat you have a protective duty against the Pole and Russian of 20*s.*; upon the one cwt. of flax you have a protective duty of 1*d.* And I did not hear a murmur from hon. Gentlemen opposite when the Prime Minister proposed to take off that protective duty of 1*d.*, totally and immediately. But we are told that English agriculturists cannot compete with foreigners, and especially with that serf labour that is to be found somewhere up the Baltic. Well, but flax comes from the Baltic, and there is no protective duty. Hon. Gentlemen say we have no objection to raw materials where there is no labour connected with them; but we cannot contend against foreigners in wheat, because there is such an amount of labour in it. Why, there is twice as much labour in flax as there is in wheat; but the Member for Shoreham favours the growth of flax in order to restore the country, which is sinking into this abject and hopeless state for want of agricultural protection. But the hon. Baronet will forgive me — I am sure he will, he looks as if he would—if I allude a little to the subject of leases. The hon. Gentleman on that occasion, I believe, complained that it was a great pity that farmers did not grow more flax. I do not know whether it was true or not, that the same hon. Baronet's leases to his own tenants forbade them to grow that article. Now, it is quite as possible that the right hon. Baronet does not exactly know what covenants or clauses there are in his leases. But I know that it is a very common case to preclude the growth of flax; and it just shows the kind of management by which the landed proprietors have carried on their affairs, that actually, I believe, the original source of the error that flax was very pernicious to the ground was derived from Virgil; I believe there is a passage in the Georgics to that effect. From that classic authority, no doubt, some learned lawyer put this clause into the lease, and there it has remained ever since. Now, I have alluded to the condition of the labourers at the present time; but I am bound to say, that while the farmers at the present moment are in a worse condition than they have been for the last ten years, I believe the agricultural labourers have passed over the winter with less suffering and distress, although it has been a five months' winter, and a severer one, too, than they endured in the previous year. ["Hear."] I am glad to find that corroborated by hon. Gentlemen opposite, because it bears out, in a remarkable degree, the opinion that we who are in connexion with the free-trade question entertain. We maintain that a low price of food is beneficial to the labouring classes. We assert, and we can prove it, at least in the manufacturing districts, that whenever provisions are dear wages are low, and whenever food is cheap wages invariably rise. We have had a strike in almost every business in Lancashire since the price of wheat has been down to something like 50*s.*; and I am glad to be corroborated when I state that the agricultural labourers have been in a better condition during the last winter than they were in the previous one. But does not that show that, even in your case, though your labourers have in a general way only just as much as will find them a subsistence, they are benefited by a great abundance of the first necessaries of life? Although their wages may rise and fall with the price of food,—although they may go up with the advance in the price of corn, and fall when it is lowered,—still, I maintain that it does not rise in the same proportion as the price of food rises, nor fall to the extent to which food falls. Therefore, in all cases the agricultural labourers are in a better state when food is low than when it is high. I have a very curious proof that high-priced food leads to pauperism in the agricultural districts, which I will read to you. It is a labourer's certificate seen at Stowupland, in Suffolk, in July, 1844, which was placed upon the mantel-piece of a peasant's cottage there:—

> "West Suffolk Agricultural Association, established in 1833, for the advancement of agriculture and the encouragement of industry and skill, and good conduct, among labourers and servants in husbandry, President—the Duke of Grafton, Lord Lieutenant of the county: This is to certify that a prize of 2*l.* was awarded to William Burch, aged 82, labourer of the parish of Stowupland, in West Suffolk, September 25, 1840, for having brought up nine children without relief, except when flour was very dear; and for having worked on the same farm twenty-eight years.
>
> (Signed) RT. RUSHBROOKE, Chairman."

Now I need not press that point. It is admitted by hon. Gentlemen opposite—and I am glad it is so—that after a very severe winter, in the midst of great distress among farmers, when there have been a great many able-bodied men wanting employment, still there have been fewer in the streets and workhouses than there had been in the previous year; and I hope we shall not again be told by hon. Gentlemen opposite that cheap bread is injurious to the labourers. But the condition of the agricultural labourer is a bad case at the very best. You can look before you, and you have to foresee the means of giving employment to those men. I need not tell you that the late census shows that you cannot employ your own increasing population in the agricultural districts. But you say the farmers should employ them. Now, I am bound to say, that, whatever may be the condition of the agricultural labourer, I hold that the farmer is not responsible for that condition while he is placed in the situation in which he now is by the present system. I have seen during the last autumn and winter a great many exhortations made to the farmers, that they should employ more labourers. I think that is very unfair towards the farmer; I believe he is the man who is suffering most; he stands between you and your impoverished, suffering peasantry; and it is rather too bad to point to the farmer as the man who should relieve them. I have an extract from Lord Hardwick's address to the labourers of Haddenham. He says,—

> "Conciliate your employers, and if they do not perform their duty to you and themselves, address yourselves to the landlords; and I assure you that you will find us ready to urge our own tenants to the proper cultivation of their farms, and consequently, to the just employment of the labourer."

Now, I hold that this duty begins nearer home, and that the landed proprietors are the parties who are responsible if the labourers have not employment. You have absolute power; there is no doubt about that. You can, if you please, legislate for the labourers, or yourselves. Whatever you may have done besides, your legislation has been adverse to the labourer, and you have no right to call upon the farmers to remedy the evils which you have caused. Will not this evil—if evil you call it—press on you more and more every year? What can you do to remedy the mischief? I only appear here now because you have proposed nothing. We all know your system of allotments, and we are all aware of its failure. What other remedy have you? for mark you, that is worse than a plaything, if you were allowed to carry out your own views. ["Hear."] Ay, it is well enough for some of you that there are wiser heads than your own to lead you, or you would be conducting yourselves into precisely the same condition in which they are in Ireland, but with this difference — this increased difficulty — that there they do manage to maintain the rights of property by the aid of the English Exchequer and 20,000 bayonets; but divide your own country into small allotments, and where would be your rights of property? What do you propose to do now? That is the question. Nothing has been brought forward this year, which I have heard, having for its object to benefit the great mass of the English population; nothing I have heard suggested which has at all tended to alleviate their condition. You admit that the farmer's capital is sinking from under him, and that he is in a worse state than ever. Have you distinctly provided some plan to give confidence to the farmer, to cause an influx of capital to be expended upon his land, and so bring increased employment to the labourer? How is this to be met? I cannot believe that you are going to make this a political game. You must set up some specific object to benefit the agricultural interest. It is well said, that the last election was an agricultural triumph. There are 200 county Members sitting behind the Prime Minister who prove that it was so. What, then, is your plan for this distressing state of things? That is what I want to ask you. Do not, as you have done before, quarrel with me because I have imperfectly stated my case; I have done my best; and I again ask you what you have to propose? I tell you that this "Protection," as it has been called, is a failure. It was so when you had the prohibition up to 80*s*. You know the state of your farming tenantry in 1821. It was a failure when you had a protection price of 60*s*.; for you know what was the condition of your farm tenantry in 1835. It is a failure now with your last amendment, for you have admitted and proclaimed it to us; and what is the condition of your agricultural population at this time. I ask, what is your plan? I hope it is not a pretence; a mere political game that has been played throughout the last election, and that you have not all come up here as mere politicians. There are politicians in the House; men who look with an ambition—probably a justifiable one—to the honours of office. There may be men who—with thirty years of continuous service, having been pressed into a groove from which they can neither escape nor retreat—may be holding office, and high office, maintained there, probably, at the expense of their present convictions, which do not harmonize very well with their early opinions. I make allowances for them; but the great body of the hon. Gentlemen opposite came up to this House, not as politicians, but as the farmers' friends, and protectors of the agricultural interests. Well, what do you propose to do? You have heard the Prime Minister declare that, if he could restore all the protection which you have had, that protection would not benefit agriculturists. Is that your belief? If so, why not proclaim it; and if it is not your conviction, you will have falsified your mission in this House, by following the right hon. Baronet out into the lobby, and opposing inquiry into the condition of the very men who sent you here. With mere politicians I have no right to expect to succeed in this Motion. But I have no hesitation in telling you, that, if you give me a Committee of this House, I will explode the delusion of agricultural protection! I will bring forward such a mass of evidence, and give you such a preponderance of talent and of authority, that when the Blue Book is published and sent forth to the world, as we can now send it, by our vehicles of information, your system of protection shall not live in the public opinion for two years afterwards. Politicians do not want that. This cry of protection has been a very convenient handle for politicians. The cry of protection carried the counties at the last election, and politicians gained honours, emoluments, and place by it. But is that old tattered flag of protection, tarnished and torn as it is already, to be kept hoisted still in the counties for the benefit of politicians; or will you come forward honestly and fairly to inquire into this question? Why, I cannot believe that the gentry of England will be made mere drumheads to be sounded upon by a Prime Minister to give forth unmeaning and empty sounds, and to have no articulate voice of their own. No! You are the gentry of England who represent the counties. You are the aristocracy of England. Your fathers led our fathers: you may lead us if you will go the right way. But, although you have retained your influence with this country longer than any other aristocracy, it has not been by opposing popular opinion, or by setting yourselves against the spirit of the age. In other days, when the battle and the hunting-fields were the tests of manly vigour, why, your fathers were first and foremost there. The aristocracy of England were not like the noblesse of France, the mere minions of a court; nor were they like the hidalgoes of Madrid, who dwindled into pigmies. You have been Englishmen. You have not shown a want of courage and firmness when any call has been made upon you. This is a new era. It is the age of improvement, it is the age of social advancement, not the age for war or for feudal sports. You live in a mercantile age, when the whole wealth of the world is poured into your lap. You cannot have the advantages of commercial rents and feudal privileges; but you may be what you always have been, if you will identify yourselves with the spirit of the age. The English people look to the gentry and aristocracy of their country as their leaders. I, who am not one of you, have no hesitation in telling you, that there is a deep-rooted, an hereditary prejudice, if I may so call it, in your favour in this country. But you never got it, and you will not keep it, by obstructing the spirit of the age. If you are indifferent to enlightened means of finding employment to your own peasantry; if you are found obstructing that advance which is calculated to knit nations more together in the bonds of peace by means of commercial intercourse; if you are found fighting against the discoveries which have almost given breath and life to material nature, and setting up yourselves as obstructives of that which destiny has decreed shall go on, —why, then, you will be the gentry of England no longer, and others will be found to take your place. And I have no hesitation in saying that you stand just now in a very critical position. There is a wide-spread suspicion that you have been tampering with the best feelings and with the honest confidence of your constituents in this cause. Everywhere you are doubted and suspected. Read your own organs, and you will see that this is the case. Well, then, this is the time to show that you are not the mere party politicians which you are said to be. I have said that we shall be opposed in this measure by politicians; they do not want inquiry. But I ask you to go into this Committee with me. I will give you a majority of county Members. You shall have a majority of the Central Society in that Committee: I ask you only to go into a fair inquiry as to the causes of the distress of your own population. I only ask that this matter may be fairly examined. Whether you establish my principle or yours, good will come out of the inquiry; and I do, therefore, beg and entreat the honourable independent country Gentlemen of this House that they will not refuse, on this occasion, to go into a fair, a full, and an impartial inquiry.

Mr. *S. Herbert* trusted the hon. Member for Norfolk, who had given notice of an Amendment, would allow him, as it would probably be for the convenience of the House, to state thus early what course the Government thought themselves bound to pursue with regard to the Motion of the hon. Member for Stockport. The speech of that hon. Gentleman, like all his other speeches, had been distinguished by great ingenuity, and an intimate knowledge of the arguments usually put forward by those who adopt similar views; but he thought the hon. Gentleman's cause lost in one respect by his advocacy from those very facts; for he forgot, in the multiplicity of his arguments, that they were sometimes essentially contradictory to one another. The hon. Gentleman, as he understood, stated that protection had been granted to the agriculturists by legislative enactments, passed at different periods since the Peace; that promises had been held out that those laws would insure prosperity; that those promises had not been fulfilled; that the effect of the laws to which he had referred had been so to discourage the employment of capital, and the application of skill and ingenuity with respect to agriculture, that no improvement had been effected in that science; and that this state of things would exist so long as protection should be continued. Now, he differed very materially from the hon. Member for Stockport as to those facts. At different periods since the Peace, various Committees had been appointed by that House to inquire into allegations with regard to agricultural distress; but he did not believe that the inquiries of those Committees had ever led to any very useful or practical results. He must say, from the perusal of the Reports of those Committees, and from a recollection of the circumstances connected with their appointment, that he did not think their investigations afforded any great encouragement to the House to sanction a similar inquiry now. The Committees which sat in 1815 and 1822, came to some conclusions which—he thought very fortunately—were not adopted by the House, and which it was almost impossible to believe, on reading them now, could have been seriously proposed. Subsequent Committees found such great difficulties in coming to any conclusion on the subject, that they declined to make any Report to the House; and, as they could not agree to a Report, they laid before the House two very large folio volumes, full of contradictory theories, contradictory opinions, and equally contradictory facts. One of those Committees, however, that of 1833, which comprised some of the most eminent Members of that House, and, among others, the noble Lord the Member for the City of London (Lord J. Russell), the noble Lord the Member for Sunderland, and the right hon. Secretary of State for the Home Department (Sir J. Graham), came to a very distinct conclusion. Their opinion differed widely from that of the hon. Member who had brought forward the Motion now before the House. They came to the conclusion, first, that some amount of protection was necessary for the agriculturist; and secondly, that, in spite of the difficulties under which the farmer laboured, from the uncertainty of climate and the great increase of money charges to which he had been subjected, great improvements had taken place in the cultivation of land. Perhaps the House would permit him to read one or two passages from the Report of that Committee:—

> "The landlords in every part of the United Kingdom, though in different degrees, have met the fall of price by a reduction of rent, except where during the war the rents on their estates had not been raised, or where by a large expenditure of capital, permanent improvements had enriched the nature of the soil itself.
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> "The spread of the drill system of husbandry, a better rotation of cropping, a more judicious use of manures, especially of bones, extensive draining, improvement in the breed both of cattle and sheep, have all contributed to counterbalance the fall of price, and to sustain that surplus profit in the culture of the soil on which rent depends."

Now, if such were the facts in 1833, and he believed they would not be questioned, it must be admitted that since that period there had been much greater progress in agricultural improvement. He remembered that last year the hon. Member for Stockport quoted, somewhat derisively, a statement of the hon. Member for Berkshire, in which that hon. Gentleman specified the various improvements which had been introduced in agriculture, and stated his belief that there was no land, from one end of the country to the other, which was not susceptible of improvement. He believed that was a well-grounded opinion; and he believed, also, that there was little land in this country that was not now more or less in course of improvement. He considered, therefore, that the argument of the hon. Member for Stockport, founded on the supposition that capital was not invested in agriculture, and that this was the reason no improvements had taken place, was utterly fallacious. It could not be denied that a most marked improvement had taken place in agricultural operations throughout this country; and he had last year witnessed the improvements that had been effected in Ireland, where their progress and extent were more marked and more obvious than in this part of the kingdom, because they started from a lower point. Let me again quote the Report of the Committee of 1833, as regards Ireland:—

> "In Ireland as far as the growing demand of the English market extends, agriculture is improving, the growth of wheat is rapidly increasing, and the gross amount of produce is considerably augmented.
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> "The demand for lime and for manure is great throughout the province of Leinster; new roads have been formed, the inland navigation has been improved, the soil is fertile; and a progressive increase of the supply of wheat from Ireland may be anticipated.
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> "With the war, however, the great contracts for salt provisions, which were drawn from Ireland, terminated; and it is doubtful whether any present demand from England for corn compensates for the loss which Ireland thus sustained."

Hon. Gentlemen could scarcely form a just estimate of the important agricultural improvements recently effected in the sister kingdom. He also saw in every agricultural journal he opened in this country, descriptions of the increased rents and profits derived from land now, as compared with some years since; and he considered himself justified, therefore, in saying that capital to a considerable extent must be devoted to agriculture; for here were the evident results of such investment. The hon. Member for Stockport tells me it is not so. I set the evidence of my eyes against that of my ears to his statement that no capital is invested in land, and therefore there is no improvement. I assume that there is vast improvement, and therefore there is capital invested in land. But the hon. Member for Stockport had enlightened them as to some curious subjects connected with agricultural affairs. He had told them that the leases granted by the landlords were so framed as to keep the tenancy in a state of complete subserviency, and to prevent them, in fact, from improving their farms. The hon. Member had quoted a lease, which he had told them was remarkable for its absurdity, which required that 20*l.* a year should be paid to the landlord for every acre of ground converted into tillage, or used contrary to the appointment made, and 10*l.* for every acre of ground let off or underlet. He supposed the hon. Gentleman meant the House to understand that these clauses were for exacting heavy rents from the ground-down tenantry; but it must be obvious to hon. Gentlemen that these were penal clauses, to prevent tenants from doing certain things which would be injurious to the property. But what kind of farm was this? A farm in Cheshire, a dairy farm, where it was most important to prevent the soil being broken up, to the diminution of pasture land; and where it was necessary also to provide that sheep should not be pastured in such numbers as to injure or destroy the pasture for cows. What too is the date of the lease? One of the conditions of the lease quoted by the hon. Member for Stockport was quite sufficient to convince them that it was not of very modern date; for he apprehended that the object of requiring that the tenant should keep a "cock and hen" was to provide means for the pastime of cock-fighting, a fashion of a past century. Why, if hon. Gentlemen would take the trouble of looking at indentures of apprenticeship at the present day, they would find requirements equally as absurd as those contained in the lease to which the hon. Member for Stockport had referred. The apprentices were forbidden to play at games which were now obsolete; but it was, of course, the spirit of the contract alone which was preserved. He hoped that hon. Gentlemen on that side of the House who had any disposition to accede to the Motion of the hon. Member for Stockport would give this subject some consideration before they afforded him their support. He thought it would be seen that that feeling of sympathy for the distress of the agricultural classes — and which during the last week had been somewhat curiously extended to the landlords — which was supposed to have given rise to this Motion—that that anxiety for some legislative enactment which might raise the price of agricultural produce, had given place to a feeling which had to-night been pretty plainly avowed by the hon. Member for Stockport: "Give me the Committee, and I'll blow up your protective system." He did not deny that this was a perfectly legitimate object, if the hon. Member for Stockport thought that, through the medium of a Committee, he could register a great amount of evidence, and record numerous speeches, to be published in a "blue-book" and circulated free of postage, to the expense of which the Anti-Corn Law League would otherwise be subjected. But he would like to know how this question—not one of detail, but of principle—was to be determined by a Committee. Surely, after all the information they had obtained as to the Corn Laws, a question on which every political economist of any consideration had written, every one must be able to form an opinion on the subject. He did not think, supposing this Committee were granted, that the public would be inclined to wait with very breathless anxiety for its Report—that they would suspend their opinions on the Corn Laws, free trade, and protection, till they knew what the oracular decision of that Committee might be. He did not suppose that the hon. Member for Stockport himself would assert that all agitation of the question out of doors would be abandoned, or that Covent-garden Theatre would be restored to the Muses. He believed that the hon. Member for Wolverhampton (Mr. C. P. Villiers) had given notice of his Motion for the repeal of the Corn Laws; and he presumed that even if the present Motion were successful, that hon. Gentleman would persevere in submitting his proposition to the House. [Mr. *Villiers:* "I have not given any notice."] If, then, the agitation out of doors, and the discussions in that House, were to be continued, he could not conceive what advantage could be gained by the appointment of this Committee. Why, hon. Gentlemen who clamoured for the appointment of a Committee, did not seem disposed to pay much respect to its decision, for they said, "We want information, but we will not wait for a report. We wish a Committee to make inquiries, but we will legislate in the meanwhile." But while the Committee would be useless for the purposes which hon. Gentlemen opposite professed to be anxious to attain through its instrumentality, its appointment would have the most ruinous effect upon agricultural interests. Whatever might be his (Mr. S. Herbert's) partiality for agriculturists, he must confess that, as a body they possessed very delicate nerves, and were extremely susceptible of alarm; but he thought if the Government acceded to the appointment of this Committee, their alarm would be quite justified; it would not be surprising if the agriculturists concluded, that upon the result of that Committee's inquiries, the Government intended to found some legislative enactment. Till this Committee had examined witnesses to prove all the allegations made to-night by the hon. Member for Stockport; till it had taken the opinions of the most eminent political economists on the questions at issue; till all the doctrines of political economists as to wages, as to rent, as to tithe, and the effects of taxation on wages and on profits, had been investigated; and till the Committee determined on their Report (and they could not conclude their labours during the present Session, possibly not next Session, and probably even not till the third Session from this time),—the House was to go on discussing the very questions they had delegated to the investigation of the Committee, the country was to remain in a state of uncertainty, agriculture was to be paralysed, and men were almost to be precluded from selling or buying land, and from making new leases or adjusting old ones. The effect of such a state of things on the whole agricultural community, and through them on the country at large, would be most lamentable and distressing. The hon. Member for Stockport had drawn a comparison, very favourable to the manufacturer, relative to the extent of improvement effected in agriculture and manufactures; but it must be remembered that the manufacturers possessed far greater facilities for improvement than the agriculturists. They must recollect that persons engaged in manufactures were concentrated, as it were, in one spot; that the business was carried on within a comparatively small space; that everything was done under the eye of the master manufacturer; and that there were great facilities for communication between the masters. But, with regard to agriculturists, the case was far different. The whole time and attention of the farmer was devoted to his farm; and there were not the same facilities of communication between tenant farmers, who lived three or four miles apart, as between manufacturers in Manchester, who were separated only by a street. Then another advantage possessed by the manufacturer was, that the facilities afforded by machinery gave him a speedy return for his capital; he can turn it many times a year, and he can tell exactly the amount of goods which each operation will produce. But the return of the agriculturist depended upon his crop, which can come only once a year, namely, his wheat crop, and his lucrative crop only once in four years. They must remember that whatever might be the skill displayed by the agriculturist, or the amount of the capital he invested, there was another element of success over which he had no control. He was at the mercy of the weather; and though he might obtain a good return on his capital one year, he might in another scarcely repay himself the expense of cultivation. The hon. Gentleman said it was necessary to do away with protection, because he had observed that the country was always prosperous with good harvests. That fact, certainly, nobody would deny. [Mr. *Cobden* : I said the tenant farmers.] Yes, the tenant farmers, too; for he supposed it was the same thing to a tenant farmer, whether he sold sixty quarters of wheat at 40*s*., or forty quarters of wheat at 60*s*., and he had the benefit of the lowness of price in other respects, while the labourer had cheaper food. But sometimes lowness of price was caused, not by good harvests, but by importation. That was certainly good for the consumer, but it could not be good for the farmer. Then, in the third place, there was what had occurred this year, lowness of price, because the wheat harvest was good, while in other crops there was a deficiency. It was true this was not the case all over the country. It was not the case in Scotland. There, he understood, the farmers were in a prosperous state; the rents had been fully and punctually paid, and arrears even, which are never expected to be recovered. In the north of England, too, and generally in backward and retentive soils, the harvests had been good, and in consequence prosperity prevailed. But in the south of England—in the county with which he was himself connected, which was an early county—they had been very severely affected by the drought which occurred at the early part of the season; and, in consequence, turnips and barley, on which they principally depended, had failed. They had low prices because the wheat harvest was good; but other crops were deficient, and this had caused agricultural distress. He hoped the hon. Member for Northamptonshire would not persist in the Amendment of which he had given notice. It was not likely that, at his time of life, he would be caught by the bait of the hon. Member who had brought forward the Motion, who said he had taken the Amendments all in. Yes, he had taken them all in, and I fear the movers too. But he had included in his Motion other matters which would rather induce the agriculturists to reject it altogether. He hoped, therefore, the hon. Member would withdraw his Amendment. He must confess, for his part, that the results of previous Committees on agricultural distress did not induce him to think that the institution of an inquiry now would be very advantageous, particularly when conducted by unfriendly hands. And he must add further, as the representative of an agricultural constituency, that it would be distasteful to the agriculturists to come whining to Parliament at every period of temporary distress, nor would they do so. Parliament have accorded to the agriculturists a certain amount of reduced protection. With that they are content; and in adverse circumstances, such as failure of crop, and the like, they would meet them manfully and put their shoulder to the wheel. He thought also that the agriculturists might safely follow the lessons given to them by the hon. Member for Berkshire, and on the present occasion, though with a more questionable purpose, by the hon. Member for Stockport. He was of opinion that they could not do better than to follow the excellent advice given to them by the first-named hon. Member, especially to expend capital on their farms and in improvements of the land, and so by their own efforts restore prosperity. The Government had no wish to maintain a high monopoly, without any alteration, as it had proved; nor had it made any promises to the agriculturists of certain prices in corn, which they knew that no law can give. The hon. Member for Stockport had said that the county Members were elected on the strength of certain promises made by them to their constituents respecting prices. He had, however, made no such promises, nor did he believe that such was the fact as regarded other hon. Members; and he was also bound to state that he would not have joined the Government, in however subordinate a capacity, if his right hon. Friend at the head of affairs had not, in his statement made on the dissolution of the last Parliament, declared his intention to revise the existing Corn Law. He supported the alteration subsequently made in that law, because he believed it to be for the benefit of agriculture as well as of the country at large. I believe it to be sound policy to make the fall from the high prices of the war to the low prices of peace as gradual as possible; but having passed that measure, and by its means deprived agriculture of a great amount of the protection it had enjoyed, it was for the House to prove that it had resolved to abide by its own decisions. If there was any depression in agriculture arising from the influence of seasons or from other causes, then the best remedy, in his view of the case, would be a vigorous outlay of capital on the land, with a view to its further improvement. But he thought that the Government or the Legislature could do nothing more calculated to damp the ardour of the agricultural body than to show them, by any act of theirs, that they were dissatisfied with the existing order of things, and intended to make fresh alterations. If the Motion of the hon. Member for Stockport, or the Amendment of the hon. Member for Northampton, were to be admitted, there would be a total suspension of agricultural improvement until the Committee which should be appointed should make their Report; and as that Committee would have to go into a great variety of matters, and at the end would most probably propose some measure of legislation, it was not advisable to risk the great loss and injury that would accrue in consequence of that suspension. The Government did not deny that there was a certain amount of protecting duty in favour of agriculture; but they did not express any intention of altering it, but the contrary. That the subject was a fair subject for discussion in that House they freely admitted, and in that House they were quite ready to discuss it. But he argued that, as it would only give rise to debate if the Motion were agreed to, it was unnecessary to appoint a Committee up-stairs for the purpose of that debate, when it could be as well discussed by the House. Besides, to what practical result could it lead? There could be no difficulty in foretelling the decision which would be given by that Committee, the constitution of that Committee being known. Indeed, if he (Mr. S. Herbert) knew who were to be the majority, he would undertake beforehand to write their Report himself—hon. Gentlemen on the other side of the House could therefore offer no excuse for shelving the question on a Committee. They had made out no case for one. The Government were bound by their obligation to the community to resist the appointment of Committees, when they did not intend to found any legislative enactment on their respective Reports. The question was eminently one for the House to discuss; and the Government were perfectly willing to give any facility they could offer for its discussion. And though they might have to witness the struggles of certain unfortunate Members to dress up the arguments of a six nights' debate, in a speech on the seventh, they were perfectly resigned to that annual infliction. The hon. Gentleman did not expect his Motion to be successful: he only desired an opportunity to express his opinions on the subject of it; and that he would have afforded to him in a debate in that House. He trusted, however, that the House would not lend itself to any Motion calculated to create hope that would only end in disappointment; and which, as far as the repeal of the import duties on corn was concerned, was certain to create panic and alarm among those whom the hon. Gentleman who had an Amendment on the Paper was most anxious to shelter. He trusted, therefore, that the hon. Gentleman would withdraw his Amendment, and that the House would put a decided negative on the Motion of the hon. Member for Stockport.

Viscount *Howick* said, he regretted that the right hon. Gentleman who had just sat down had refused to agree to the inquiry which had been proposed by the hon. Member for Stockport; and he should add that he thought the grounds which the right hon. Gentleman had assigned for opposing that inquiry were altogether insufficient. The right hon. Gentleman had told the House, that Committees to inquire into agricultural distress were of no use. That was, indeed, a new doctrine with hon. Gentlemen opposite; for he remembered the time when the appointment of Committees to inquire into agricultural distress was a favourite proposition with them. He denied the fact that—judging from experience—it could be said Committees to inquire into agricultural distress were useless. The right hon. Gentleman opposite had truly said, that some of the early Committees to inquire into this subject had made Reports recommending measures which it was most fortunate were not adopted; but let the House remember that the very fact of knowing the views of those former Committees on the subject was by no means without its use; and that the Report of a later Committee than that to which the right hon. Gentleman alluded was most important in its bearing on the question before them. The very first step which was taken in altering the system of protection established by the Act of 1815, grew out of the Report of a Committee, the majority of whose Members was composed of country Gentlemen; and it was worthy of remark, that on that occasion the county Members, who formed a majority of the Committee of 1821, adopted the able Report written, he believed, by Mr. Huskisson, which pointed out so clearly the injury done to agriculture by the mischievous law of 1815; and the repeal of this law, a few years after, and the mitigation of the absurd system of protection by the Act of 1828, had been mainly owing to the labours of this Committee. The Committees of 1833 and 1836 were also the means of bringing together a body of evidence which was in the highest degree useful and important; and the Report of the Committee of 1833, drawn up by the present Secretary of State for the Home Department, was one that had been found very useful. [Mr. *S. Herbert*: I excepted that Committee.] The right hon. Gentleman had excepted the Report of his Colleague, which he admitted was useful. He agreed in the opinion of the right hon. Gentleman; but he thought it was useful, not in the sense in which the right hon. Gentleman meant, but for an opposite reason,—namely, that it contained arguments which were fatal to the system which the right hon. Gentleman was desirous to bolster up. The right hon. Gentleman had asked of what use was a Committee of this kind? He said, if they were desirous of considering the soundness of the principles of this law, why not debate the matter in this House? No doubt it was a question involving great principles, which ought to be discussed in that House; and, so far as he was concerned, his opinion was made up on the subject, so that he did not wish to wait for the result of the inquiries of a Committee. He could not, therefore, say that the appointment of a Committee would afford a sufficient reason for the postponement of the Motion of which the hon. Member for Wolverhampton had given notice. But was this any reason for refusing the inquiry? Was there nothing, he would ask, which a Committee might do, beyond debating the principle of protective duties? It appeared to him that there was; and that a Committee such as that which had been proposed by the hon. Member for Stockport, was one that might be made available for eliciting much valuable information which it was necessary and most desirable to obtain. Whenever the important subject of the Corn Laws was debated in that House, they always heard the most diametrically contradictory assertions, with respect to their operation and effects, from different sides of the House; and would it not be most desirable, in order to test those assertions, that a Committee should be appointed by which the truth could be elucidated; and the facts ascertained beyond doubt or dispute? The Committee was not to be supposed merely to debate the principle of protection. Why should it not also inquire into matters of fact, and see where the truth really lay? There were many important points of information with respect to which they ought to inquire; and was it not desirable that they should have all those facts before them, in order that they might be put in a position to ascertain whether the existence of protective laws had not the effect of encouraging false expectations in the minds of the farmers? It was asserted at his side of the House—and those who asserted it were prepared to prove it before the Committee if it were granted to them—that the protective system had the effect of encouraging expectations in the minds of the farmers, that they were to have a certain price maintained for their produce, and that the effect of creating these delusive expectations had been to bring ruin and distress upon hundreds of persons. There was another point on which it was desirable to have as much accurate information as possible. It was most material to know what were the effects of high and low prices of corn on the wages of labour? They had often heard it boldly stated in that House, by hon. Members on the opposite Benches, that low wages were the invariable result of low prices; but he (Lord Howick) had enjoyed the satisfaction tonight of hearing the right hon. Gentleman who had last spoken say, that low prices—when those prices were brought about by plenty—were for the benefit of all classes in the community. So far as the labourer was concerned, that was true, in the existing state of the law; but how would he reconcile that statement with the fact, that during the operation of a protective system to agriculture, low prices had been uniformly found accompanied with what the right hon. Gentleman would call most whining complaints of agricultural distress? The right hon. Gentleman had said that low prices were not so much this year the cause of distress as the failure of crops in the southern counties combined with those prices. Perhaps, to a certain extent, such an explanation of the present distress might be just; but it certainly would not account for former periods of agricultural distress, of which the Marquess of Chandos complained, not certainly in what the right hon. Gentleman called a "whining tone," but in language which he did not know how to designate, except by saying that it was something like what the old Statutes describe as that of a sturdy beggar. How did the right hon. Gentleman reconcile the Report of 1833, which drew so melancholy a picture of the state of the agricultural districts at that period, with the opinion he now expresses—that low prices brought about by plenty, were for the advantage of all classes? There had been no such partial failure of crops as that to which the right hon. Gentleman attributes the present distress in 1833 and 1836; yet the Report of the Committee of 1833 had the following passage,—

> "The Committee of 1821 expressed a hope 'that the great body of the occupiers of the soil, either from the savings of more prosperous times, or from the credit which punctuality commands in this country, possess resources which will enable them to surmount the difficulties under which they now labour.' Your Committee, with deep regret, are bound rather to express a fear that the difficulties alone remain unchanged; but that the savings are either gone or greatly diminished—the credit failing, and the resources being generally exhausted; and this opinion is formed, not on the evidence of rent-payers, but many most respectable witnesses, as well owners of land as surveyors and land agents."

If they believed in that Report, they must regard the low prices—which the right hon. Gentleman (Mr. S. Herbert) had said were beneficial in their effects—as ruinous to the farmers of England. Amongst other questions which it would be important to inquire into, was the question, what effect the removal of protection from articles which formerly enjoyed it, and were now deprived of it, had produced in reference to those articles. Let them look to the predictions and anticipations of the Duke of Richmond and the Southdown wool growers in 1828, and compare those predictions with the effect which had been produced by the removal of the duties on wool; or let them look to the anticipations of the Member for Berkshire in 1842, as to the ruin to the farmers which would ensue from allowing the importation of fat cattle, and see how they could be reconciled with the result of the removal of the former prohibition. It would, he repeated, be a most important subject of inquiry for the Committee, if it were appointed, to ascertain what had been the anticipations which were entertained as to the probable effect of the removal of protective duties previous to their removal, and how far they corresponded with the real result of such measures, as shown by experience. Why, he would ask, should protection be so necessary for wheat in this country, when it was unnecessary for the cultivation of flax? Again, they had been often told that the question of protection to agriculture was one which affected the landlords less than the tenants and labourers, and that no reduction of rent would be sufficient to meet the fall in price that would be occasioned by the abolition of the Corn Laws—that, consequently, the land would be thrown out of cultivation, and infinite suffering and distress would be produced amongst the tenant farmers and labourers. The opposite opinion,—namely, that it is only a question of rent, has been maintained with equal confidence; now, if they were allowed a Committee, they should be enabled to compare the contradictory statements on that subject, and to ascertain which statement was borne out by the facts. They could then ascertain whether the rent of land entered so largely into the cost of production as that a reduction of it would enable the farmer to enter into competition with foreign producers in cheap production, or whether the reverse were really the truth. It was impossible to ascertain that by discussion in the House; and, for his part, he should very much like to see the truth elicited fully before a Committee. Those were some of the subjects for inquiry which could be brought before a Committee with great advantage; but he could point out many other practical points of detail, on which it was desirable to have correct information. He could select many important points, with respect to which it was necessary to clear away a mass of loose and contradictory assertions which they were so accustomed to hear in that House, and to facilitate the perfect understanding of this momentous question. But suppose the right hon. Gentleman did think the Committee useless, was that a valid objection to its appointment, when it was asked for by those who were opposed to protection? Suppose hon. Gentlemen opposite had the strongest conviction that the appointment of the Committee would not lead to any practical result, was that a sufficient reason for refusing to inquire into what effect the protection had had upon the tenant farmers and agricultural labourers of England? He certainly thought not; and nothing in the shape of a positive objection to the appointment of a Committee had been urged by the right hon. Secretary at War, but one which was, in his opinion, incomprehensible. He said the agriculturists were men of such delicate nerves, that if the Committee were appointed they would become so alarmed as almost to abandon the cultivation of their farms; that were they to grant this inquiry it would create such a panic there was no knowing what might be the result. The agriculturists must indeed have delicate nerves if the appointment of the Committee proposed by the hon. Member for Stockport could have that effect on them—a Committee which the hon. Member offered to have composed of a majority of those who were of the same opinion with the agriculturists as to the effect of protecting duties on agriculture. They must, indeed, have delicate sensibility if such a Committee could shock their nerves. The right hon. Secretary at War said that the hon. Member for Stockport, and those who supported him, had asked for the Committee to put an end to protection. Undoubtedly, they did not deny it—that was their object; they asked for the Committee on the ground, that if it were granted, it would be proved to demonstration that abolishing protecting duties, not on agricultural produce alone—for they did not demand that the farmer should be obliged to pay a protected price for any article, any more than receive it for corn — but that abolishing protective duties altogether would be a wise and proper course, and the surest means of giving relief to agriculture. If they were allowed to go into their case before the Committee, they would support it by proofs which would be found to be utterly unanswerable. It was because they had such confidence in the strength of their cause, that they were anxious to have the inquiry; and when the right hon. Gentlemen opposite stated that such an inquiry would create a panic in the minds of the agriculturists, he would say that those who refused inquiry would be more likely to create a panic, by showing that they were unwilling to come to close quarters within the walls of a Committee with those who demanded that inquiry. Was not their shrinking from an inquiry of this kind calculated to inspire a strong suspicion that they had not much confidence in their own case? For his part, he (Lord Howick) was persuaded that this would be a well-founded suspicion, and that a want of confidence in the strength of their case was really at the bottom of this refusal of all inquiry by the advocates of protection; he believed they would grant the inquiry willingly and readily, if there were not lurking at the bottom of their hearts a consciousness that the plausible generalities and vague and fallacious sophistries which, dressed up in a speech for that House, might pass muster easily enough in a debate, if subjected to the close scrutiny and searching examination of a Committee, would be found so valueless and worthless that they themselves would be ashamed to bring them forward. It was that lurking consciousness of the weakness of their own case which was at the bottom of this refusal of the Committee—it was the only rational explanation of their conduct. If this is not so, why did they refuse to grapple with the arguments of those who were opposed to protection? If the right hon. Secretary at War thought it inexpedient to grant the Committee, he was the more bound to answer the luminous and able speech with which the hon. Member for Stockport opened the debate; he ought to have attempted to grapple with the arguments of that hon. Member, and to show that there was not a strong reason for supposing that protective duties were not the real cause of the agricultural distress which was so much complained of. The right hon. Gentleman had, however, made no such attempt to answer the arguments of the hon. Member for Stockport; while, at the same time, he has, on the part of the Government, resisted the appointment of a Committee. Since, therefore, those who were anxious for it were not to be allowed an opportunity of going into the matter in detail before a Committee, he would endeavour to show, in the only way permitted to him, what were the facts which, if an inquiry had been granted, they would have been able to prove, in support of the opinion some time since expressed by his noble Friend the Member for London, that protection was the bane of agriculture. They would, in the first place, have been able to show that protection had been tried for thirty years, in various modifications, and under all circumstances had been a total failure. The gentlemen who calle dthemselves the "farmers' friends" framed the Bill of 1815 after their own hearts—a Bill which the most highflying of the advocates of protection could not object to as not going far enough. That Bill was passed; and what was the result? That in five years after there was an universal cry, from one end of the kingdom to the other, of agricultural distress, in consequence of which a Committee was appointed, composed of a majority of county Members, who adopted a Report to the effect that the Act of 1815 was so faulty it would be necessary to alter it. They did not, however, propose to give up protection. Oh, no; they clung to that as tenaciously as ever; they said that protection was necessary; but that the fault committed in 1815 was making a mistake as to the mode in which that protection should be obtained. In a few years after they altered the law of 1815, and the right hon. Baronet opposite (Sir R. Peel), in 1828, brought in the Corn Bill, which he lately destroyed. But the Bill of 1828 was not sufficient to remove the agricultural distress; and in 1833, 1834, 1835, and 1836, the complaints of distress amongst the agriculturists were beyond precedent clamorous. The right hon. Gentleman the Secretary of State for the Home Department, in 1833, presided over a Committee appointed to consider the subject of agricultural distress; and he then said to the agriculturists that they were very badly off it was true, but that nothing could then be done for them, and they should wait for better times. That was, shortly, the real substance of the language which he used in the Report of the Committee of 1833. They could not attribute that distress to any of those causes by which they were now in the habit of seeking to account for the failure of the system of protection. It was not owing to agitation, for at that period there was little or no agitation for a repeal of the Corn Laws, as in consequence of the low prices and general advantages resulting from them, the pressure of the Corn Laws was not felt by the country as much as it would have been under other circumstances, and consequently there was no agitation on the subject. The law, however, continued in operation, and the right hon. Baronet came into office. He then said that the then existing law was a bad and bungling job: but that the agriculturists still required protection—that the cause of its being so ineffectual in the former measures, was something faulty in the measures themselves. He adhered to the system of protection—he brought in a new Bill supported by a large majority, and they now witnessed the happy results of that measure in the complaints of the agriculturists. Therefore, the first thing which they would show before the Committee was the failure of a system of protection which for thirty years had been in operation, very much after the plans of the agriculturalists themselves. They would prove also that under a system of protection the advance of agricultural improvement had been slow in an extraordinary degree, when compared with what had been done in other branches of national industry. The right hon. Secretary at War had indeed shown that there had been some improvement in agriculture. No doubt there had. Who denied it? The hon. Member for Stockport did not deny that there had been improvement; but what he said was—and those who sought for a Committee were in a condition to prove it—that the advance in the improvement of agriculture was remarkably slow, and far slower than it ought to be. If they looked to the land generally, they would find the amount of capital expended in its improvement was below what it ought to be, and that its capabilities had not been fully developed by improvements. Would any one deny that? Let them compare the improvements in agriculture with the improvements in every other department of national industry, and they would find what a small progress they had made. In the thirty years during which the highly protective system of Corn Laws had been in force, they had seen steam navigation raised up with a rapidity almost unexampled from its infancy to the state of advancement and extension which it now presented. During that period railroads had taken their rise, and been advanced to the magnitude which they now exhibit; during that period the improvement in mechanical science in manufactures had been so rapid that those who chronicle such improvements could scarcely keep pace with their advance in recording them; and such was the quickness with which they succeeded each other, that one improvement was only a short time in existence before it was followed by another. It was proved in evidence upon the subject of the exportation of machinery, that almost before the last improved machines could be sent abroad, they were superseded by still newer improvements at home. How different was the case with agriculture! Let any hon. Member ride through the agricultural counties, even through the most advanced in improvement—and he would find acres upon acres of land which would yield an enormous return by improvement and draining, and yet were left neglected. This was the case even in the most improved districts; but in many agricultural counties draining was only just beginning, and in the most timid and inefficient manner, whilst in nine out of ten farm yards in the country they could see the best manure running to waste, notwithstanding all that had been written by chemists on the advantages of such manure; and this at a time when we were sending to an island on the coast of Africa for a fertilizing manure. They found in agricultural works accounts of various improvements which had been tried, and were known to be advantageous; and why, he would ask, were they not adopted? Why was agriculture behind all other branches of national industry? Any one who went by railroad to the important town of Manchester would find, close to the town, land, which was fertile by nature, and which would yield immense crops of grass; in a district, be it remembered, where there was an unbounded demand for milk and butter, and such produce, amongst a manufacturing population; and yet in those fields they would find nothing but rushes growing, where a few hours' labour would produce excellent grass. They would see, on the other hand, in the very same district, in manufactures an unflagging competition, a competition which never tires, night or day, and under the influence of which, any improvement to effect the saving of a few shillings per cent. was adopted so quickly and generally, that a man was ashamed if he were only a month or two behind his neighbours. How would they account for that difference? It might be said that want of security would explain it. [" Hear, hear."] He would come to that just now; but in the first place he said the want of the stimulus of foreign competition was the cause of the evil. If there had not been that want of stimulus we should not have seen the proprietors of land content to allow their land to remain in the disgraceful condition in which it was. The proprietors would urge their tenants to improvement if the tenants were slack. They would be forward to grant leases, even if the tenants were not eager to obtain them. But the truth was, that intelligent and spirited farmers were invariably anxious to procure leases. Let any Gentleman go through the country and compare farms held upon lease with those held by any different tenure; let them compare Buckinghamshire and East Lothian; let them contrast the property of the Duke of Buckingham with that of the farms in East Lothian, where it was the uniform practice to grant leases. He said, therefore, that the slow progress of agricultural improvement was caused partly by the absence of the stimulus of foreign competition; but still more by the want of security, and that security would not be given whilst protection existed. The hon. Member for Somersetshire had cheered him when he talked of the want of security. He knew that hon. Gentleman wanted to throw the blame of that want of security upon the Anti-Corn Law League, and to contend that but for that body security would exist and improvement would go on; but if that were his meaning, he would thank the hon. Gentleman to tell him by and by why security had not existed before the Anti-Corn Law League was formed? He would tell the hon. Gentleman why. It was for this reason, and for this reason only—men saw that under the system of protection in all its shapes there were constantly recurring periods of agricultural distress. These ebbs and flows of distress he believed to be inseparable from protection. Men observed this before the Anti-Corn Law League came into operation, and before there was any outcry on the subject of the repeal of the Corn Laws. The farmers might not have understood the evils of the protection system; but people did not fail to see that there was something different in the state of agriculture and of those trades which did not need the sickly aid of protection, and that the former was liable to recurring periods of greater difficulty than the latter. They recollected the distress of 1822, and of 1833, and were consequently afraid to invest their capital in so precarious an employment. This, and this only, accounted for the fact that there were in this country enormous tracts of land capable of yielding large returns and immense profits, and that at the same time capital was flowing out of the country at great risk, and that, even subject to direct loss in case of war—money was invested by the people of this country in French railroads and foreign loans, rather than in the most essential agricultural improvements. He challenged Gentlemen to produce any other reasonable mode of accounting for the absence of spirit and enterprise in the investment of capital in agricultural improvements, than what he had assigned. This discouragement had existed before the Anti-Corn Law League came into operation; but of course it was much greater now. He did not deny that; of course when you taught men that protection was necessary, and that in order to carry on their trade it required to be bolstered up by the adventitious aid of protection, they would be afraid to invest their capital, when there were obvious signs that that protection would speedily fail. Could they prevent that conviction from being impressed upon the people's minds — could they prevent men from knowing the views of the Government with respect to the principles of free trade —could they prevent them seeing, from what had already happened, that the gradual operation of improvements irresistibly carried us all on, day by day, in the direction of the emancipation of industry from restrictions? This was utterly out of their power. The Government might have a Parliamentary majority — they might, and no doubt they would, reject the Motion of the hon. Member for Stockport, by a majority of two to one—and he told them that then they would have done nothing to restore that security which they themselves admitted to be necessary. But he had gone farther than he had meant in answer to the right hon. Secretary at War on this point, because it had been treated so completely by the hon. Member for Stockport, that he was ashamed to occupy the time of the House in repeating, with inferior force, what had been so ably urged by that hon. Gentleman. Let him, therefore, turn to what he thought a still more important and a still more serious part of the question—he meant the effect of the system of protection upon the labouring classes, and, above all, upon the labouring classes in the agricultural districts. Here again he thought Gentlemen opposite must admit, with the same sorrow that he felt in stating it, that here also there was a *primâ facie* strong case against the principle of protection. Could they deny that after thirty years the present condition of the agricultural labourer in the southern counties of England—those counties which were purely agricultural—was such as it was impossible for any man of ordinary feeling to regard without the deepest sense of sorrow and alarm? Could they attempt to deny the fact of the lamentable condition of the agricultural labourer in the south of England? Some light had, of late years, been thrown on this subject by the inquiry that had been instituted into it. He did not wish to judge of the condition of the agricultural labourer by the mere money wages which he received; that would be a fallacious test; but by the proportion which he enjoyed of the necessaries and the comforts of life. If the condition of the agricultural labourer were so judged, he asked, was it not admitted to be one of great privation? They all knew it had been ascertained that the ordinary expenditure of the labourer for his family gave such an allowance for each member of it, that it was utterly impossible to conceive how they managed to exist. They knew that of bread they had far from a sufficiency; that meat they seldom or never touched; that their clothing was very inadequate; that their lodging was too often of the most wretched description; that their average consumption of tea, beer, coffee, sugar, and all those articles which might be considered perhaps, in some degree, as luxuries, but which habit had rendered necessaries, was infinitely below the scale that could be considered sufficient. We knew that in the Union workhouses, where, in justice to the ratepayers, it was necessary to maintain the inmates on a frugal scale, and where there was all the advantage of purchasing goods wholesale, while the poor man bought his goods at the village shop at an enormous advance of price, that, notwithstanding all this, a man and his family could not be kept—even making no allowance for their lodging, for which they often paid very dearly —for much less than double what the man, as an independent labourer, generally received. This was an undeniable fact, proved by papers on the Table, and the population were grievously suffering from an inadequate supply of the articles which he had enumerated. How did Gentlemen account for these facts? He said they were immediately traceable to the restrictions upon the supply of food; but he wanted to know how Gentlemen opposite accounted for it? He presumed they would grant to him that, if the labouring classes enjoyed so much less than they ought of the necessaries of life, it must arise from one or other of these causes—either the whole supply of those necessaries must be below the wants of the nation, or else the labourer must, out of that whole supply, not receive his fair proportion; or both these causes must be combined (which he believed to be the truth)—the whole supply must be too small, and even of that scanty supply the labourer must not receive his due proportion. One or other of these, and only one of these, suppositions could account for the fact of the population being so ill supplied with the necessaries and comforts of life. But if this were admitted, he would endeavour to show that those restrictions upon the freedom of industry which were called protecting duties, tended directly and necessarily, first, to diminish the whole supply of articles necessary to meet the national wants; and, next, unfairly to alter the distribution of that supply, much to the disadvantage of the poor. These points he should endeavour to prove. As to the first, it was so plain and so simple, that he could hardly understand how it could be contested. He said the effect of protective duties—the whole system taken altogether —the policy of maintaining protective laws, was to diminish the national supply of those articles which we consumed. He would take, as an example of their effect, that article which had lately been so much discussed—sugar. He had shown a few nights ago, by the prices of sugar at the time in bond, that precisely the same amount of money — or of manufactures, which was the same thing—would be given in exchange for twenty-six tons of Brazilian sugar as would be required to pay for only eighteen and a half tons of Colonial sugar; that is, that, by the restrictive laws now in force, the British manufacturer was compelled to accept in return for his goods only eighteen and a half tons of sugar, when he could otherwise obtain twenty-six tons. He had taken the case at a disadvantage to himself, because at the time the difference between the prices of Colonial and Brazilian sugar was smaller than it usually was, or than it would be under the proposed scale of duties. Did Gentlemen deny that this diminished the supply of sugar to meet the national wants; that if this law did not prevail, for every eighteen and a half tons of sugar that were now brought in, we might have twenty-six tons, and that there would be in that proportion a larger supply for the consumption of the people? How, he asked, was this argument met? No man had ventured to contest the accuracy of his statement. All that Gentlemen on the other side could do was to contend, for reasons which they assigned, reasons which he considered inadequate (but into which this was not the time to inquire), that, for certain reasons, whether good or bad, we ought to submit to this sacrifice; but the fact that there was such a sacrifice they had not attempted to gainsay. It was universally confessed that this differential duty on Foreign sugar did diminish the produce which, in return for a certain amount of labour, would be available for the supply of the national wants. What was true of sugar was true of coffee, was true of meat, was true of timber which built the cottages of the poor; in short, it was true of the whole circle of protecting duties, and he therefore, said, that even upon the admission of the Gentlemen opposite, it was demonstrable that the collective effect of protecting duties was to diminish the supply of all those very things which the population wanted, and from the want of which they had suffered the most pressing and pinching distress; and that for the same amount of money, or of labour, they could procure a larger supply of necessaries, but that our fiscal laws prevented it. He was not talking of laws for raising revenue; even distinct from the rise of price which was consequent upon revenue duties, those imposed merely for what was called protection, which brought no money into the Exchequer, raised the price and diminished the sum-total of those articles of necessity or comfort which the population enjoyed. This was the tendency of these laws; and he went further, and said that this was their avowed object and design. These laws had been passed for the express purpose of restricting the supply; and why was this done? The argument was, that it was necessary because otherwise the home producers of certain articles would be undersold by foreigners. What was meant by this? Why, that the same amount of labour or of goods, exchanged with foreigners, would produce a larger supply if we were not restricted to the market at home, or in the Colonies. Protecting duties were maintained for the very purpose of restricting what is considered the too great facility of obtaining a supply of some of the chief articles of consumption. That was an extraordinary policy. Gentlemen opposite sometimes accused those on his side of the House of being theorists. He should like to know who were the theorists in this case. The theory was that people were the worse off for getting all the articles they most wanted upon too easy terms. Now that required at least some proof. To a man of common understanding, not bewildered with fine-spun theories, it would appear that when he found the population suffering from an inadequate supply of bread, meat, beer, sugar, coffee, and all such articles of consumption, that the object should be to render the labour employed in producing them more effective, instead of less so, and to increase the whole stock of necessaries for the supply of the nation. This was the natural conclusion—it was the conclusion arrived at by barbarous nations—by the Turk and the Chinese whom we despised. No doubt barbarians, when they had the power, were often guilty of open violence and barefaced plunder, and took the money out of the pockets of the poor man to put it in their own; but they never were guilty of the hypocrisy of saying, "We will make you comfortable by diminishing the supply of those articles which you consume." The Turks and Chinese had not arrived at that degree of refinement. They had been taught by their forefathers that he was the greatest benefactor of mankind who made two blades of grass grow where but one had grown before, and rendered a large supply available for the wants of the nation, and not he who by restrictions caused the industry of a country to be employed in vain. He thought, then, it was not unreasonable, seeing these two things—first, that the people were suffering from an inadequate supply of many articles, including the necessaries and comforts of life; and next, that that House had passed laws, the avowed object of which was to diminish the amount of those supplies which a given amount of labour could produce—to say that there must be some connexion between the distress and suffering which were endured by the people, and the artificial scarcity which was produced by their laws; and he thought it was not unreasonable to ask for a Committee to inquire whether that supposition was well founded. But he would add further, that while every one of our protective laws, from the greatest to the smallest, was calculated in some way or other to diminish the wealth of the nation, by diminishing the amount of articles of consumption available for the national use, and consequently to diminish the proportion which each individual might hope to enjoy; that while this was the effect of all protecting laws, one of them, the worst of all—he meant, of course, the Corn Law, had this further effect of depriving the labourer of a fair proportion even of that restricted supply which was available to meet the wants of the country; but for this the population could not be exposed to so much privation, because in spite of all the protecting laws, in spite of all that had been done to diminish the productiveness of labour, the skill and industry of our population were so great, that there was no country in which industry was so productive. In proportion to the number of hands engaged in labour there was no country—there never had been a country—in the world in which the amount of consumable articles was so large as in this; but the law not only diminished the productiveness of industry, but also reduced the proportion of the whole supply of those articles which the labouring classes were enabled to enjoy. He felt that he had occupied so much of the time of the House that he should not go into any details upon this part of the argument. It was the less necessary, as he had endeavoured at considerable length to press this particular argument upon the House last year, upon the Motion of the hon. Member for Wolverhampton. He should, therefore, content himself with enumerating, in the shortest and most summary way, the different heads of his argument. He had endeavoured to show that in this country, where industry was most productive, the labouring classes were worse off than in countries where industry is less productive. He had endeavoured to show that this was clearly and directly traceable to restrictions upon the application of labour and capital to the production of food. He had endeavoured to show that in every case where land was easily accessible to the population, wages and profits were high, and that where the power of easily obtaining land was restricted, profits and wages were low; he had endeavoured to show that the effect of the Corn Law was directly to increase the competition for land arising from the too restricted field the surface of our soil afforded for the employment of the labour and capital of so large a population; and that but for the Corn Law, a larger portion of capital and labour might be employed to produce food, by exchanging with the foreigner, thus diminishing that competition for land, which compelled the industrious classes to submit to so large a deduction in the shape of rent from the fruits of their industry. He had shown that this view of the subject was confirmed by the fact that, looking at other countries, we invariably found wages and profits dependent upon the degree in which the land was accessible to the population; that in the United States, in Canada, Australia, in short, in every country where the population was small in proportion to the field of employment, and where there was security for person and property, wages and profits were high, and in opposite circumstances were low. He adverted to these heads for the purpose of reminding the House that his argument had been not, indeed, unnoticed, but unanswered by the right hon. Baronet opposite. The right hon. Baronet at the head of the Government had done him the honour of referring to his argument; but said, that not denying that there was that difference, which he had asserted, between the comfortable condition of the labourer where land was easily accessible, and here, it did not follow that this difference was increased by the Corn Law; that the question as to its cause was a very complicated one; and that various reasons might be urged in defence of the present system. The right hon. Baronet had not, however, been good enough to tell the House what those reasons were, and he should be anxious to hear them in the course of that debate. All that the right hon. Baronet had said was that at New York a great extent of fertile land, easily accessible, was not inconsistent with temporary suffering amongst the mass of the population of New York. If the right hon. Baronet had sought for an instance to make good his argument, instead of controverting it, he could not have found a stronger one, because in the United States of America, as every one was aware, whatever might be the occasional suffering that might exist at times, the great mass of the people were amply supplied habitually with the great necessaries of life. Poverty and distress might exist in other respects, but of food at all events there was in these States an abundance. If we looked at the condition of the people there we should find—and it was a remarkable circumstance—that the poverty and distress which existed in other things—the want of luxuries and comforts—arose from the same cause in the United States as here. It was because they had been unwise enough to copy us in the system of protection—because they had been unwise enough to impose fetters upon the freedom of industry, and not to take full advantage of their unbounded extent of fertile soil, that those distresses existed. Whatever commercial embarrassments they had sustained, whatever difficulties they had gone through, whatever distress they had endured—always however without any want of the necessaries of life—their poverty was traceable to the unwise restrictions they had placed upon the freedom of industry. Therefore, if the right hon. Baronet had sought a case to confirm his argument, that would have been the strongest he could have selected. "And what (asked the noble Lord in continuation) has been the result? The result, I say, has been this: it does appear that the distress of the labouring classes is the direct consequence of your laws; that you are responsible for the mass of suffering which exists; that it is the maintenance of restrictions upon the freedom of industry which alone accounts for the existing state of things; and that if you refuse to-night an inquiry, and at the same time insist upon maintaining those laws, you must be content to go forth to the country as being afraid to enter upon an inquiry which might prove that you are guilty of the cruelty, in the present state of the people, of maintaining laws which aggravate the existing distress, in the vain hope of benefiting the owners of land. I say, in that position you must stand: you must be so considered, unless you not only rebut those arguments, but consent to meet them hand to hand in the close quarters of a Committee. You must otherwise be liable to the charge of maintaining laws for the benefit of the owners of land, which laws aggravate the existing distress of the labourers of the soil. Have you considered how far this conduct is consistent with the Divine precept, that the labourer is worthy of his hire? For my part, ever since I have had the honour of a seat in this House, from the earliest day when I had the privilege of sitting in it, I have never ceased to profess the same opinions. I have now declared only the same views I have always avowed as to the impolicy of the whole system of protection. In no speech have I ever, in this House, said one word, recognising the legitimacy of a system of protection, whether to a greater or a less extent; but I confess that until the discussions of the last two or three years, I have not been accustomed to look at the subject quite in the serious light in which I now regard it. I was not aware of the extent to which protective laws are unjust to the poor, and in contravention of the sacred precepts of the Divine Law. I was not aware of this; but when I look closely at the subject, and observe all the phenomena of society in this country, I do feel that this is an awful and a serious question. The right hon. Gentleman has stated, and truly stated, that one of the worst symptoms of a diseased state of society in this country is the daily increasing contrast between the great wealth of the few, and the great poverty of the many. This was truly stated; and when we compare the condition of the owners of the soil with the condition of those who cultivate the soil, we see that the income of the one has, within the last century, constantly increased, and that of the other constantly diminished. [*Indications of dissent from the Ministerial side.*] If you doubt it, give us the Committee; and I will prove the fact, that the rental of Great Britain has increased within the last century, so as to have doubled or tripled within that time; while the style of living amongst the wealthy has been so increased and improved, that even persons of comparatively lower rank now expect conveniences and comforts which, fifty years ago, were unknown to even the highest; but that still, while rents have doubled, the income of the labourer—not in money, but money's worth—has fallen off, and they are suffering pinching want and physical distress, to which their forefathers were strangers. When I look at these things, and see you obstinately bent upon maintaining laws, the necessary effect of which is to keep up rents and to keep down wages, I cannot help asking whether those awful words of Scripture which were originally addressed to the rich in the days of the Apostles, are not equally applicable to us, the ruling class in this country. The words are awful; and Gentlemen will recollect them,—

> 'Behold, the hire of the labourers which have reaped down your fields, which is of you kept back by fraud, crieth: and the cries of them which have reaped are entered into the ears of the Lord of Sabaoth.'

Gentlemen will remember these words; and, standing here in all soberness and coolness, I declare my deliberate conviction that those who have reaped and ploughed the land, may justly complain that their hire is of us kept back by fraud. I say this is the practical consequence of your legislation; and if as the ruling class of this nation we keep up laws of which the practical effect is to oppress and defraud the poor, we are bound to take to ourselves the solemn warning I have quoted. I say this—but at the same time let me not be misunderstood—I impute to no hon. Gentleman who votes for the continuance of the Corn Law and of protecting duties—I impute to none of those Gentlemen whom I see opposite, that they deliberately and knowingly maintain laws for the purpose of promoting their own interests at the expense of the well-being of the labouring classes. I impute this to no man; I do not for a moment believe that any Gentleman in this House would incur such awful and fearful guilt: but, remember, we shall not be held excused if the protective laws which we maintain are oppressive to the poorer classes, because we keep up those laws in ignorance; if we have not done all that in us lies to enlighten our minds, and to lead us to a just conclusion on these matters. We are bound to recollect that men's hearts are deceitful; that we are unconsciously swayed by our own interests; and that we are bound to neglect no means in our power to dispel any erroneous notions into which we may have fallen, and which may have led us into the error of passing laws of which the effect has been to increase the burdens of that dire poverty which is so severely felt by our brethren of humbler rank. You are bound by solemn obligations not to neglect that duty, and to avoid an evil so fearful in its effects; and if you have not done all in your power to inform yourselves on these points, I ask you how you can justify to your own consciences the refusal of the inquiry called for by the hon. Member for Stockport? Do you pretend to say that our arguments are utterly frivolous and unworthy of refutation? I do not ask you at once to surrender your judgment; but I ask you to go into Committee, and consider these matters in detail, in order to ascertain beyond doubt or dispute the facts upon which this high and momentous question rests. Do so, and I am content to abide by your decision; but, until you do so, you are not justified in the eyes of God or man, if you maintain these laws and refuse inquiry, while you yourselves propose nothing to relieve the labouring classes from any part of their sufferings. I say, the fact of the habitual sufferings of the labouring poor is in itself a proof that there must be something wrong in the system which permits that suffering." The noble Lord continued to say, it was true that it was the lot of man to earn his bread by the sweat of his brow; but when he looked at the bounty with which, in return for labour, nature yielded all that can conduce to our welfare, he could not for a moment doubt but that the Almighty and beneficent Creator intended that the very labour which he pronounced as a curse, when honestly given and properly applied, should always be certain of meeting with its reward. The existence of a state of things in which hundreds and thousands of our population were daily entreating, as the highest favour which could be bestowed upon them, to be allowed, by hard work, to gain a bare subsistence, while even that favour they could not obtain—the existence, he repeated it, of such a state of things as this was, to his mind, a demonstration beyond all reasoning which had been applied to the subject, that there was something essentially and radically wrong in the laws. If hon. Gentlemen could point out some other fault—some other error—or some other means of correcting what was amiss, he, for one, stood ready prepared fairly to consider anything of the kind which they might propose. If they could not do this, he would once again ask them, how they were justified in allowing such a state of things to continue to exist, and at the same time to reject inquiry? Let them remember that every man amongst them was as answerable for the use which he made of his political power and influence, and for the part which he took in that House, as a Member of it, with a view to the welfare of the humbler classes of the community, as he was responsible for his conduct in private life. Upon that solemn truth, they were bound, in his opinion, seriously to reflect; and if they did so reflect, he could hardly bring himself to believe, that they would consent to reject the Motion of the hon. Member for Stockport.

Mr. *Stafford O'Brien* was quite sure that the suspicion never entered into the minds of hon. Members on his side of the House, that the noble Lord had any intention to apply the quotation which he had made from the sacred writings to any one personally; and he could not help expressing his opinion that it appeared to be far easier to bandy texts and to quote impressive sentences, than to make charitable allowances for those who conscientiously, and with a fair and equitable purpose, happened to arrive at a totally different conclusion from that expressed by the noble Lord and other hon. Members. He should, however, pass to a different part of the subject under discussion, and observe that the noble Lord had, in the latter part of his observations, somewhat relieved the agricultural class from the hard and undeserved aspersions which he had cast upon them in the earlier portion of his speech, by admitting that there were no classes in other countries able to compete with the English as artisans, manufacturers, and the other employments of social life; and when he added the fact that there was more corn grown upon a given quantity of land in England than in any other country in Europe, except the Netherlands, then he must assert that he did not think the House would consider the case of the hon. Member opposite had been made out as against the present state of the agricultural affairs of the kingdom. The noble Lord had alluded to the backward state of cultivation near Manchester; but upon this point there appeared to be a very considerable contrariety of opinion between him and the hon. Member for Stockport; for that hon. Member had stated incidentally, during a debate on a previous evening, that as he had receded from the tall chimneys of the manufacturing towns, so he found he receded from all signs of improvement in agriculture; whereas the noble Lord had illustrated the agricultural condition of the immediate vicinity of Manchester, by stating that rushes were suffered to grow on some of the best and most improvable land, simply because the people would not take the trouble, or did not possess skill enough to drain it. Now, he could not but remark upon the statements to which he referred, that if such were the case, the hon. Member for Stockport needed not give himself the trouble of going far into the agricultural districts to discover bad tillage and ignorant farmers; but he might by looking around his own immediate neighbourhood find farms that required draining, and rushes that might be removed. He hoped the House would allow him to state the case as between himself and the hon. Member for Stockport, with reference to the Motion before it, and also with respect to the course which he should feel it necessary to pursue on the occasion. The hon. Member for Stockport, during the late discussions on the Speech from the Throne, had expressed his surprise that no one had risen on behalf of the agricultural interest, and he stated, as they had been so remiss in their duties, he should give notice at some future day of his intention to bring forward a Motion on the subject, unless it were taken up by some hon. Member connected with land. The hon. Member for Somersetshire then said, he should take some time to consider the subject, whilst his hon. Friend the Member for Dorsetshire, with that decision of character which distinguished him, promptly declared against any inquiry being instituted. The hon. Member for Stockport then asked why that inquiry should be refused, upon which he (Mr. S. O'Brien) at once said, that so far from being opposed to such an inquiry, he would vote for the appointment of a Select Committee if it were moved for, and that he would serve on it. Upon this the right hon. Baronet at the head of the Government got up and checked him. ("Hear," and a laugh from the Opposition Benches.) Hon. Members must not cheer too soon; time went on, and one morning, on looking over the Votes, he found a notice of Motion standing against the name of the hon. Member for Stockport to the following effect:—

> "A Select Committee to inquire into the causes and extent of the alleged existing agricultural distress, and into the effects of legislative protection upon the interests of landowners, tenant-farmers, and farm labourers."

Not one single word did the original notice contain about protection, and he then felt it to be his duty to remind the hon. Member of the intention which he had originally expressed, the very words of which he would find recorded in *Hansard*, and he then gave notice that he should move as an Amendment to the Motion of the hon. Member,—

> "That a Select Committee be appointed to inquire into the extent and causes of the existing agricultural distress.

Upon his doing so the hon. Member for Stockport leaped up and said, that he was not responsible for the phraseology of his notice, and that he would not be bound to bring forward a Motion in the very words of his notice, and that perhaps the hon. Member for Northamptonshire would agree in his Motion when it should be brought on. He now found that the hon. Member had adopted every word of his Motion; but he must declare that he could not give his consent to such a proceeding, which was like that adopted by Gipsies with respect to stolen children. The hon. Member for Birmingham had acceded to his request to second his Amendment for an Agricultural Committee. He had put his notice in the most general terms that he could devise, and if he were found so fortunate as to get a Select Committee granted to him, he would go into the inquiry totally free from every pledge; but certainly with the intention of entering very fully on what did appear to him to be a very hard and oppressive case. It was quite competent for him, had he been actuated by such narrow and prejudiced views as those which the hon. Member for Stockport had exhibited, to have added to his notice the words, "And to take into consideration the diminished profits of the agricultural classes;" or the hon. Member for Birmingham might have embraced an opportunity for bringing forward his peculiar views with respect to the Currency, or have gone into a discussion on the Bill of 1819; but, finding that an acrimonious feeling was likely to spring up, he had simply put on the Paper a Notice referring generally to the different subjects of the inquiry, by which the Committee would not be precluded from entering upon them if matters took that turn. If the Committee which he wanted had been granted, it would have been a farmers' Committee. If the hon. Member for Stockport succeeded in getting the Committee for which he asked, it would not be a Committee for farmers and labourers, but one merely for political economists. How was it possible, let him ask the House, to bring an inquiry such as was proposed to be gone into by the hon. Member's Committee within any reasonable bounds? Suppose every one of the hon. Members opposite were to bring the particular subject in which they individually felt interested under the notice of the Committee, there would be one calling for particular attention to sugar, another to timber, another to corn, and thus no definite object would be attained. How could he, as an agricultural Member, hope for any useful results from such an inquiry? His right hon. Friend the Member for Wiltshire had argued against the Motion of the hon. Member for Stockport; but he had certainly not brought forward any argument against the Committee which he proposed. The *animus* of the hon. Member for Stockport's speech in support of his Motion led him to doubt whether he could support him, for that *animus* was decidedly against the agriculturists and the landholders of England. When he heard the hon. Member's observations about leases to the farmer tenants, and when he heard him describe the subjection of the farmers to the landlords as being so great, then he felt that it would not be becoming in him, as the Representative of an agricultural county, to give the Motion his support. Feeling as he did that the landed classes had done their duty by their country, and believing also that they would continue to do their duty, he found it extremely difficult to vote for the hon. Member, after hearing the hon. Member's speech; and he had the authority of the right hon. Gentleman the Member for Edinburgh, for considering that the vote of hon. Members on a Motion for the appointment of a Select Committee must always be guided by the *animus* of the Mover. He was sorry the Government had not thought proper to grant the Committee for which he asked. He was extremely sorry the right hon. Gentleman (Mr. S. Herbert) had advised him to withdraw his Motion to that effect. He knew what weight attached to all that fell from that gifted individual, and however undisagreeably and amiably the intimation might be conveyed to him, he was fully aware that it was tantamount to telling him that if he did divide the House upon such a Motion, he would find himself in a most miserable minority. He found, there were three parties in presence with regard to the Motion before the House,—the free traders, who were anxious to go into the Committee that they might blow up the country Gentlemen; the Government, which refused the Committee for the old official reason, that it was inconvenient; and a third party, which thought that the Committee, far from pacifying or soothing the irritation that existed, would only increase it. The right hon. Gentleman had asserted that the agricultural distress was only temporary. He might be right in that, but if he thought it was local he was altogether wrong. And as he was to be refused the Committee, he hoped the House would excuse him if he read a few extracts from what was recorded of the speeches and sentiments of the agricultural classes when they met together. Those classes had spoken hardly of the Government, hardly of themselves, and hardly of their landlords. If what they alleged was true, then a Committee ought certainly to be granted; but he believed that if the landlords had a Committee they would be able to convince the agricultural classes of their errors, and perhaps send them back to their farms contented. He would begin his extracts with one from his own county:—

"At a meeting of the Committee of the Market Harborough Agricultural Society, held at the Swan's Inn, Market Harborough, the 11th of March, 1845, it was resolved unanimously,—that in the alterations of the laws which have been made affecting the agricultural interest during the present Parliament, the interest of occupiers of land has not been fairly protected, and that it is the opinion of this Committee, that the further alterations proposed by Sir Robert Peel will not tend to improve their prospects. That the alteration of the law to admit Foreign meat and cattle at the present low rate of duty was unexpected and uncalled for. That whilst persons engaged in professions and trade have been charged a tax upon income they themselves have admitted, that tax has been levied upon the occupiers of land upon a profit (assumed for them) which very few (if any) in this district have realized; and that whilst persons not engaged in the business of the occupation of land have had an equivalent for the Income Tax in the reduced price of provisions, the property of the occupiers of land has been sacrificed to produce that equivalent. That if the agricultural interest continues to be neglected, the condition of the occupiers will be reduced, the demand for agricultural labour lessened, and the land get into a worse state of cultivation."

That was from Market Harborough. He would now go at once to the north, and show that the feelings which prevailed in his county were not confined to that locality. The place was Durham, and the following was the language of a petition which was adopted at a meeting there of the Agricultural Protection Society on the 1st of March,—

"The humble petition, &c., showeth, that your House cannot fail to be aware, that your petitioners have been most materially injured by the late alterations in the Corn Law, the Tariff, and the Canada Corn Importation Act. That all these enactments were passed for the purpose of reducing in price all articles of which your petitioners are the producers, and that to an extent as was, by high authority, stated to be equivalent to the Income Tax. Thus, all classes, not being the producers of articles of food, were stated to be enabled to pay this tax without loss of property. Your petitioners, therefore, beg to remind your hon. House, that their annual returns have thus been further reduced in a sum at least equivalent to the Income Tax, whilst at the same time the occupiers of land have to pay an Income Tax on half the amount of their rent, although it is notorious that at the present time they derive little profit from the occupation of the soil. Your petitioners complain of this as great injustice."

He begged the attention of the House to the following paragraph,—

"Your petitioners have carefully examined the financial measures lately introduced into your hon. House, and find that they—the suffering class—have been excluded from any direct benefit in the proposed reduction of taxation. Your petitioners earnestly pray, that, borne down as they are by an intolerable weight of local and general taxation, all salaries and emoluments, civil and military, defrayed by the national treasury, may be reduced in proportion to the great diminution which has taken place in the price of food. Your petitioners further suggest that the principle which has been established by the Tithe Commutation Act for the payment of tithes (viz., that the amount payable for each year should vary according to the average price of a given quantity of wheat, barley and oats,) shall in future be adopted in paying the salaries of all officers of the State, civil and military. Your petitioners therefore humbly pray your hon. House to afford the relief so much needed by themselves, and a very large portion of Her Majesty's subjects. And your petitioners," &c.

The right hon. Gentleman the Member for Wiltshire had stated his belief that the distress was local; but, in order to convince him that such was not the fact, he would next proceed to show that it was neither confined to Northamptonshire nor to Durham, by reading a statement from Devonshire,—

"At a meeting of agriculturists and others, held at the Sun Inn, Ashburton, Devon, this 6th day of March, 1845, it was resolved,—That it is necessary to take some steps towards relieving the agricultural interest from the depressed state to which it has reached; that the distress is greatly increased by many burdens which fall almost exclusively on that interest; that among the heaviest of these burdens are the poor and highway rates, which in the opinion of this meeting should be made a national charge, inasmuch as it falls very severely on the agricultural interest to maintain those labourers which are thrown on them by the manufacturing interest when the manufacturers cannot profitably employ them, whereas the agriculturists must provide for theirs, and the reasonable course appears to be that all classes should contribute towards the maintenance of the poor and highways, which would be the case if it was made a tax on the nation at large, the incomes from the funds, railroads, and other sources having then to contribute towards the relief of destitution, accidents, &c., which must constantly occur under the existing enterprise and circumstances of this country."

That was from Devonshire. The Committee of the Agricultural Protection Society of the Isle of Ely made a Report to the same effect. He had also a petition from the Sleaford Agricultural Protection Association, and if his hon. Friend the Member for Lincoln were in the House he would know the petition. The petition said,—

"That your petitioners have viewed with regret that the financial measures which have lately been introduced into your hon. House by the First Minister of the Crown do not give the least hope that they are to participate in the proposed reduction of taxation in an equal degree with other parts of the community. Your petitioners, therefore, humbly pray your hon. House to review the said financial scheme, and thereby give that assistance which your petitioners are so fairly and justly entitled to."

The Shropshire Agricultural Protection Society had done the hon. Member for Durham an honour which was not often done to a member of the Anti-Corn Law League, and had adopted an expression which he had used. They said,—

"We beg to express our fervent hope, that the members of this Society, and the tenant-farmers of Shropshire generally, will not suffer the good effects of this great demonstration,"—that was the dinner at Freemasons' Hall—"to be lost for want of energetic co-operation. Let them join the protective societies as one man; if they continue apathetic, or divided, inevitable ruin awaits them. United, they become invulnerable. The want of united resistance has occasioned all their distress; and that this great failing is known to their enemies, is proved by an extract from the speech delivered by Mr. Bright, the Member for Durham, on Monday, the 3rd of this month:—'But farmers are generally quiet men, and afraid to speak their minds and act up to their convictions; but he trusted that the time would come when they would show greater independence of spirit.' Let us show Mr. Bright and his fellow Leaguers, that the time is come, and that instead of attacking our landlords, and their agents, as he kindly advises us, we are determined to unite with them in resisting the attacks of a party who seem determined to achieve their own selfish ends, thought it might cause the ruin of every other interest in the State; and, lest we should be unable to unite efficiently, mark the value and truth of his next sentence—'They (the farmers) should unite together to obtain deliverance from those evils which were forced upon them in consequence of their own neglect of their own interests.'"

There were Resolutions to the like effect adopted at the Rutland Agricultural Protection Society, by the owners and occupiers of land in Leicestershire, by the Essex Agricultural Protection Society, and by the Stafford Agricultural Protection Society. They all spoke in similar terms, and declared that the distress was great in those districts. Therefore, when his right hon. Friend the Member for North Wilts said, that the distress was local, and that it was light, he must take upon himself to inform his right hon. Friend that he did not speak the sentiments of the farmers. That the distress of the farmers might be exaggerated was possible, and that might arise from the feeling of the farmers that the Government were not aware of the extent or pressure of that distress. He held the opinion that if the distress which existed among the farmers had existed among the manufacturers, there would have been no end to the clamour and the pressure for relief which would have been raised. He did not say that in that case he would have imputed any blame to the manufacturers, and he could not say that in this case there was any blame due to the farmers; and as he would not on the one hand charge the manufacturers with being too clamorous, so he would not on the other charge the farmers with being too supine. It must be remembered also that there was essentially a difference between the two classes, which had been remarked by his right hon. Friend; for it was the habit of the one class perpetually to combine, and the habit of the other class to endure isolated and alone. Therefore, when complaints of distress came before the House, hon. Members should recollect this distinction between the characters of those two parties. His right hon. Friend the Member for North Wilts said that he did not wish the agriculturists to come whining to that House. He would indeed be sorry to see the bold yeomanry of England come whining to that House. He believed that when they came to that House they would speak out; and he was sure that nothing was further from his right hon. Friend's meaning than to say it was whining, when any portion of Her Majesty's subjects felt the pressure of distress, and when they thought that legislative enactments would be able to remove it, if they came before the House, and asked for a Committee to inquire into the cause of their distress;—he was certain that his right hon. Friend was the last man to mean that the farmers of England so coming before that House and speaking by their petitions, or by the voice of their Representatives, could be charged with making whining complaints. He knew with what anxiety every word uttered by the Government would be read by the agriculturists; and he was desirous of doing away with the effect of an expression which was not intended, and which was somewhat uncourteous, not to say unkind. The noble Lord the Member for Sunderland had referred to the effect of the lowering of the duty upon cattle, and to the repeal of the duty on wool and on flax: and if he might be permitted to say so, he considered that no three articles could be more infelicitous for the noble Lord's argument. Now, if they took the case of cattle, much as the noble Lord was respected, he would not stand very high in that House as a practical breeder, if he expected that in the course of three years the whole effect of the Tariff could be expected to be realised. Then with respect to flax, the remarks did not apply to flax that had been grown in this country, but to flax to be grown. Whether flax could be grown in this country without a protecting duty remained to be seen. The other day he was speaking to a practical farmer on this subject, and what he said was, "Oh! if you will only give us a protecting duty upon flax, we could grow it very well in England." The noble Lord had argued as if flax were now grown in this country without a protecting duty; he denied that this was to any extent the case, at least not in England. [Viscount *Howick:* It was grown in Ireland.] In Ireland it was true that flax was grown, but the noble Lord was speaking of England; and whether it could be grown in this country without a protecting duty, was still a matter of doubt. The noble Lord had also alluded to the duties upon wool; but the noble Lord would remember that when the repeal of the wool duty was agitated last year, the agricultural body did not oppose it. Let the noble Lord, then take the case in this way,—as the agricultural body did not, in 1844, oppose the removal of the duty on wool, the noble Lord might give them credit for the exercise of some degree of wisdom when they opposed the repeal of the duties upon corn; the noble Lord might give them credit for being able to discover what duties might be safely repealed and what must be retained; and that whilst, on the one hand, some parties would lead them to a blind and infatuated view in favour of the repeal of every duty, when others would keep on all duties, the agriculturists were calmly applying their minds to the question of restriction and freedom; and that in the proposals for the removal of restrictions which had come before Parliament, their decision did equal credit to their wisdom, whether they refused, or whether they conceded the removal. He was sorry, as he had said before, that the Government had chosen to refuse him his Committee. He stood there, and he was returned to that House, as the supporter of a system of protection; he was returned to advocate protective principles; from those principles he was not aware that he had ever swerved, and, so long as he could, he would strenuously adhere to them. He had never seen any reason to shrink from the advocacy of his own principles; and as he believed those principles to be true, so it was his belief that there was no fear to be apprehended from an inquiry. He was not going to say in that House that it would be wise and prudent to grant every inquiry that any Member might propose at his own time, on his own terms, and for his own purposes; but he said, when he heard the right hon. Gentleman the Secretary of State for the Home Department, get up in his place, and, in introducing his Bill to alter the law of settlement, tell them that one person in every ten was receiving parochial relief; and when, in addition to this, he was able to bring such statements from the whole of the counties in England on the subject of agricultural distress,—then he said it seemed to him that the time was come when they should grant this inquiry. It might be said, that the questions to be proposed to these farmers would be beyond their understanding; it was extremely unfortunate, however, that those questions which were said to be beyond their understanding were not beyond their misunderstanding, and that they often acted upon this misunderstanding in a manner dangerous to themselves as well as to others. He did hope—and it was only his individual opinion—that the Government, before this discussion came to a close, as they were to have no Committee of Inquiry, would do himself and the farmers the justice of saying, that they had not shrunk from bringing forward their petitions stating their case and their desire for inquiry. Seeing the hon. Member for Manchester opposite (Mr. Gibson), he trusted also that the Government would be able to give the House some intimation that they had already taken some steps to further the measure brought forward last year by the hon. Member to obtain exact information, and to insure accurate statistical facts as to the quantity of agricultural produce. He did not wish to re-establish the Board as it was in the time of Sir John Sinclair; but he did hope that some Member of Her Majesty's Government would give them an assurance that this subject had been taken into their serious consideration. His right hon. Friend the Member for North Wilts, and the hon. Gentleman the Member for the West Riding, had been very merry at the circumstance of seeing him in communication with the hon. Member for Stockport, and their mirth might be again excited by the appeal he had now made in favour of the proposition of the hon. Member for Manchester; but whenever he thought that any Member on any side of the House, and of any party, proposed anything favourable to agriculture, he would make no distinction of party, and would not, for any such distinction, withhold his support; and he would tell those hon. Gentlemen, and he would tell them in all sincerity, honesty, and fairness, that if they, either in or out of that House, remarked an independent Member on that side of the House go to any Member on the other side of the House, it was not that communication which the farmers feared; but what they did fear was, that while the Benches in that House were distinct, and while there were still two sides of the House, one side was leavening its practice in legislation by the principles of the other side. The hon. Member for Stockport had eulogized the aristocracy of this country. The aristocracy had always stood by the people, and he believed they would stand by the people now. Whilst they were determined to maintain the agricultural peasantry—and whilst they felt that the great merit and advantage of agriculture over manufactures was, that if any evil existed it could be more readily brought home to the party whose fault it was, he was certain that they would belie the history of the past—they would belie the promise of the future—they would belie all he had ever read or seen of them; if they refused at all proper times, however large might be their majority in that House—however preponderating might be their influence in the country—if they refused to take into their most anxious consideration the great question of the food of the people.

Mr. *Bright* said, that if he had entered that House with any doubt upon his mind as to the propriety of the vote he ought to give on the Motion before them, that doubt must have been entirely dissipated upon hearing the speech of the hon.

Gentleman who had just sat down. He had never heard the speech of an agricultural Member, since he himself became a Member of that House, so clear, so explicit, and so easy to be understood. He thought it was a speech entirely to the question before the House. The hon. Member had brought statements from some half dozen counties in the kingdom, proving the serious amount and degree of distress that existed. He looked upon the hon. Member as fully qualified to discuss this question. He held a dignified station in a society established for the protection of Agriculture; and he had no doubt but that the hon. Member must, in the rooms in Bond-street, have come in contact with those engaged in farming. There was, however, one fault in the speech—it was of the see-saw class. There were a number of paragraphs in favour of a Committee, and then there were a number of paragraphs against it. It seemed to be balancing between the hon. Member for Stockport and the right hon. Secretary at War. And now he could hardly say, after the speech that had been delivered, whether the hon. Member intended to vote for a Committee or against it; but this he would say, that the hon. Gentleman had made an infinitely more creditable speech than he made on a former occasion; when, for two mortal hours, he had read extracts from speeches of humble and unimportant Members of the Anti-Corn Law League. He trusted, however, that the course which the hon Member had adopted on this occasion would be followed by the agricultural Members who had the remotest remnant of independence. His hon. Friend who had introduced this subject seemed to him to have worded his Resolution with great dexterity, in the hope that agricultural Members would support it; and at the same time he had delivered a speech which must prove a very convincing one to the farmers who read it. He thought that after that speech, there was no county Member who could refuse voting for the Motion of his hon. Friend—that the Member who did so would place himself in an unhappy situation with his constituents, they would be so disappointed. On the occasion on which the hon. Member for Stockport asked the hon. Member for Somersetshire if he intended to bring forward his Motion for a Committee on agricultural distress, he (Mr. Bright) stated his reasons why he believed a Committee would be refused. There were only three things which could be decided before a Committee. First, to recommend Government to increase protection; or, secondly, to diminish the taxes pressing on agriculture; or, thirdly, to abolish protection altogether. Now, the right hon. Baronet had already told them that it would be impossible to go back to the system of protection—that it was not possible to increase protection, and that if it were possible, it would do no good. As to taxes on agriculture, when a deputation from the agriculturists waited on the right hon. Baronet they were treated very cruelly. There was a cruelty in the seeming kindness of asking them what particular tax it was that they wished to have removed? He believed it was said, that as to the malt tax there could be no hope as to its removal. What, then, was the only other matter left for the agriculturists to complain of?—the county rates. The hon. Member for Somersetshire had told them of the county rates. Now, what was the whole amount of the county rates? They did not come to more than about 4*d*. the acre; and 8*s*. a quarter, which had been proposed by the noble Lord the Member for London, was not considered as sufficient to compensate for the burdens on the land. They could not go back upon protection—they could not hope for a remission of taxes; then the last and only thing possible was to abandon protection—that which old prejudices and long-formed opinions of hon. Members made them most anxious to avoid. In doors and out of doors there was great difference of opinion on this subject. Why then not have a Committee? They had allowed Committees upon questions that were of far less importance than this. One hon. Member, the Member for the county of Durham (Mr. Liddell) last year had a Committee on dog stealing. The other day they granted a Committee on the game laws. There a great difference of opinion had existed both in and out of doors; and when the subject was brought forward by a Member of the Anti-Corn Law League, by one who was against their system for the preservation of game, there was an extraordinary unanimity on the opposite side as to a Committee. It was a beautiful thing to see how little objection there was offered to an inquiry, in which so many hon. Members were so deeply interested. He was afraid, however, that the right hon. Baronet had not taken the same precautions with this subject, that he had deemed it wise and prudent to adopt as to that. Had the right hon. Baronet called his ninety Members into Downing-street, had he permitted them again to breathe its pure atmosphere, he believed that more unanimity would be found to prevail on the opposite Benches. He could not see why they should refuse to grant this Committee now, when he was sure that they must have one on the same subject at no distant period, if they did not go to the abolition of protection without any previous inquiry. The Secretary at War had attempted some reply to the hon. Member for Stockport; but it was the feeling of all parties who listened to the right hon. Gentleman that what he had said was a species of stereotyped speech, such a one as was ready in the public offices for every Minister who refused inquiry; it was prepared, cut and dry, and answered all occasions. The Vice President of the Board of Trade had made a similar speech a few nights before. But the right hon. Gentleman had done something more; he had said that "Covent-Garden would be again given up to the Muses," and he had not only made a speech there, but another down in Wiltshire. The right hon. Gentleman had admitted to-night, that the agricultural labourers were better off this winter than in previous years, because provisions were lower in price now than in former years. That was what the right hon. Gentleman said there; but then it sometimes happened that Members did not make the same sort of speeches in the House of Commons that they made on the hustings. It might be interesting to know the right hon. Gentleman's opinions in Wiltshire. The speech of the right hon. Gentleman to which he alluded, was made at what was called "the Sheriff's Ordinary." It was delivered after the election. The right hon. Gentleman, in addressing his constituents, said:—

> "He wished he could congratulate them in every respect; but, although the agricultural interest was labouring under a depression which none could deny, he would still congratulate them that the combined opposition which had been made against protection to agriculture had weakened rather than strengthened any unfavourable impression towards them. The philosophers who cried out for free trade, which would operate to the ruin of others, would very religiously exclude it from themselves. Protection was for them and them alone."

This was said by the right hon. Gentleman; and now he begged to observe, that no one belonging to the Anti-Corn League had ever asked for—had ever defended protection, as applied to manufactures in this country. There was no protection for that very article which it was stated the other night constituted the half of all the exports in value. And yet the authority of a Cabinet Minister was pledged to a statement notoriously contrary to the fact. The right hon. Gentleman thus proceeded:—

> "But their opponents were not stronger than they were two years ago—their meetings were less numerously attended—their subscriptions had diminished in amount."

He (Mr. Bright) was glad to find that the right hon. Gentleman's attention was strongly fixed upon them. The right hon. Gentleman said:—

> "Their meetings were less numerously attended—their subscription lists were diminished both in number and amount—and their performances at the Theatre Royal, Covent Garden, which at first produced such a sensation throughout the country, were now looked upon as being less legitimate than the drama, and not quite as amusing or instructive."

The right hon. Gentleman, he was afraid, had not recently attended their meetings, or he would have found great inconvenience from the pressure of persons present. The right hon. Gentleman proceeded:—

> "Standing before them as their Representative, he was ready to justify every vote that he had given. Nor would he make any excuse for supporting the present Corn Law. He was persuaded that the protection under the old law was inordinate, and could never be maintained. He had even thought that 20*s*. was a higher duty than was necessary; but experience told him the contrary, and he now frankly admitted that he had been wrong."

Some hon. Gentleman—he believed that it was the hon. Member for Shrewsbury—had on one occasion complimented the right hon. Baronet the First Lord of the Treasury, when sitting between two Secretaries of State, on the manner in which he had overcome their prejudices. Here, then, was another Secretary, if not of State, whose prejudices seem to have been overcome by the same means. The right hon. Gentleman then said,—

> "He now thought that protection was not a whit larger than the agriculturists had a right to demand. The present law possessed this advantage—it rallied round it many who would have stood at a distance if the protection had been higher: it had also a greater stability; for no dispassionate man, looking at the burdens of the agriculturist, could say that it ought to be less. There was, moreover, a

determination in Her Majesty's Ministers to uphold it. Among the great evils arising from the price of corn being so low as not to be remunerative to the farmer, was, the depressed condition of the labourers. No Corn Law could guarantee any particular price; for instance, under the old law, in 1835, 1836, and 1837, the prices were lower than they were now. In one year, he believed the average of wheat was 37*s*. But one of the great evils, as he had said, of this low price was, the diminished employment of labourers."

This was what the right hon. Gentleman said in Wiltshire; and now he admitted that the labourers were better off in consequence of the low price of provisions. [Mr. *S. Herbert:* That statement was made by the hon. Member for Stockport.] He understood the right hon. Gentleman, as well as other Members, to make the statement. If the right hon. Gentleman looked to Salisbury, and within a mile of his own residence, he would find the able-bodied labourers picking stones out of the field, and their wages were but 8*d*. a day. And when the right hon. Gentleman addressed himself to agriculturists, he ought to recollect that his own estates, as well as those of his family, were devoured by game, and that the tenantry suffered the greatest damage from their ravages. Did the right hon. Gentleman give leases? The right hon. Gentleman might or might not; but in the state in which his estates were, he was sure he could not do without a very high degree of protection. He was afraid that the reason why the Committee was refused was, because hon. Members thought that it would be an inquiry into the Corn Law. All these Associations sought for agricultural protection, and they did so in order that they might have agriculture prosperous; whilst all their experience of the past, and all their experience of the present, went to show that, though they had protection, still they were of all classes the most unprosperous. There was no class that had been protected, that since protection had been withdrawn, had not become more prosperous. It was the case with the iron trade. At one time it was protected by a high duty; and when Government proposed to abolish that duty, the ironmasters met, as the agriculturists now did, to protest against it, and to struggle for the continuance of the protection. The result, however, had been, that the importations of Foreign iron diminished, and the exports of English iron had increased ten or twenty-fold; and now the English ironmasters had almost the natural monopoly supply of the entire world. The same result had been attained in the silk trade. It was so with wool, and the same with linen. The hon. Member for Dundee could tell them that the opening of the trade in linen was the making of the trade in Dundee and other parts of the country. But now they had the West Indian interest and the landed interest in Great Britain and Ireland protected. He would not use the language of the right hon. Gentleman, because it might be considered offensive: since, if he said the agriculturists wer now "whining," they once were "blustering;" but now they came in a supplicating tone to ask that protection should be continued. He wondered that the great Central Society should sanction this present proceeding. They had appealed to public opinion, and they could not fly from it. Why, he asked them, did they now keep within their entrenchments? Why not have a fair fight in the open field of a Committee-room? Let them have a Committee, and witnesses on both sides would be heard, and all that was known for and against protection would be laid before the public. There was nothing so much calculated to dispel delusion and establish the truth as a fair and impartial examination before a Committee. And let them bear in mind that those who now asked for the Committee were not party men. They could not surely forget that if it had not been for these very persons, as the right hon. Baronet himself would bear witness, the party on the other (the Ministerial) side might have been put to the great risk and expense of another election last year. He could not easily forget the shout, not only not of approbation, but he might almost say of execration, with which he and those other hon. Members of the Opposition who acted with him on that occasion were received by their own side of the House on their return from the lobby after voting with the right hon. Baronet. They now asked Gentlemen opposite to give them the Committee of Inquiry, in order that they, who were honest protectionists, and those Members of the Opposition, who were honest free-traders, might escape from the mere politicians of the House, and go fairly into the inquiry of what was the effect of the present system of protection upon the fortunes of the farmers, and the comfort and happiness of the labourers. He could tell them they would disappoint the farmers if they refused such investigation. He did not now appeal to the Members on the Treasury

Bench, for they were the mere politicians of whom he spoke; but to the country Gentlemen and the independent Members of the other side. He said the farmers would be disappointed if they refused the inquiry. He was sorry he had not with him the innumerable letters he had received from farmers in various parts of the country; for if he were to read them, they would show that he was fully entitled to make that assertion on their behalf. The farmers had sent hon. Gentlemen opposite to the House to guard their interest; but they had done that, or at all events they had permitted the right hon. Baronet (Sir Robert Peel) to do that, which many of the farmers believed to be unwise and injurious to them, and which the landowners themselves, at some of their agricultural meetings, have told the farmers was not wise, and yet, for the life of us, we cannot get you to examine the great question whether the system is bad or not. If they did not value their party more than their principles, they would consent to this Motion; if they refused it, their tenantry would believe that their party was of more importance in their eyes than the principles they preached to them at their agricultural meetings. Some fifty years ago, as he had read, the agriculturists, or the country Members, or the country Gentlemen, as they were then called, were important and influential Members of the House. Often might they read of a Mr. Somebody, a country Gentleman of great weight, proposing some Motion against the Government of the day—no man expected flashes of oratory or wit on such occasions—but with, what all expected, common sense and honesty of purpose. The country Gentlemen were then deservedly respected, as having honest and patriotic objects in view, and as forming an independent party who would never yield to Lord This or Lord That, who might happen to be the Minister. They were an independent party in Parliament, and their honesty was acknowledged, and their influence was felt and respected by all classes of the community. That party, however, had fallen into decrepitude and decay, and he believed that the half dozen Members of the Anti-Corn Law League occupied more attention in that House, and engaged more of the attention of the country on important questions, than the 130 or 150 country Gentlemen who came to that House as the Representatives of the agricultural interests. He wished to say nothing disrespectful of those hon. Gentlemen; though he might have spoken somewhat severely of them at times, he believed they had had their satisfaction out of him. He had said nothing more harsh of them than they had of him and those with whom he acted. He thought the country Gentlemen in that House were in this predicament—as had been said of Charles I., that he could see if he would, and of James II., that he would if he could. And with regard to many of those Gentlemen opposite, if they saw the question of protection as he (Mr. Bright) saw it—if they saw it in the same light—he spoke as regarded the national good, not as to their own private interests—he was convinced they would not, Session after Session, persist in maintaining a system which the great majority of the people protested against. He could understand and make every allowance for a Gentleman who had grown up with strong prejudices—he might have felt as they feel, had he been brought up as a landowner. But he had had opportunities of examining the question, free from that bias which would naturally attach to those who were landed proprietors; and he was anxious that the information he had obtained should be made known to them. Some hon. Gentlemen opposite seemed inclined to go on with the inquiry if the Government would let them. Why then should not the question be considered without reference to matters that had gone by, but simply and fairly upon its merits, in order that they might come to a decision upon it that should be at once creditable to the House and satisfactory to the country? He hoped the time was not far distant when, if the right hon. Baronet would not permit the inquiry, they would have one in spite of him. He thought the right hon. Baronet exercised too much influence in taming down hon. Gentlemen opposite. At agricultural meetings they could speak out most valiantly; but in that House they were mute. Surely it was no enviable reputation they were thus acquiring—that of being great in the field, and little in the Senate. The influence the right hon. Baronet had over the hon. Gentlemen by whom he was supported, reminded him (and he could compare it to nothing else) of an Irish story of a man who had a great talent for taming horses. When he went to tame a horse he went into the stable, and it was supposed he whispered in the animal's ear, and such was the influence of his voice, that however vicious, however fiery and ungovernable before, it immediately afterwards became the most docile, tractable, and useful animal possible. And so it was with the right hon. Baronet and the country Gentlemen around him; when they were in the country, they were most fiery and untractable; but the moment they came into that House, the influence of the right hon. Baronet's voice was such, that the most tractable and useful supporter any Minister could wish to have was a thoroughgoing agricultural Member; and he was quite sure, if the right hon. Baronet would speak the truth, he would say that he had the fullest reliance on the docility and tractability of the country Members, who formed the great majority of his supporters. Hon. Gentlemen should, however, remember the conditions upon which they had been sent to that House—they were elected in 1841 for the purpose of keeping up the price of corn to its then standard, viz., about 70*s.* a quarter. When Parliament met in August, 1841, or the beginning of September, the price of wheat was about 70*s.* a quarter, and it was about 65*s.* at the time of the election. If they had then gone to the farmers, and said on the hustings it was their intention to support Sir Robert Peel in a plan that would reduce the price of wheat to 40*s.* within three or four years from that time, did they suppose they would have elected them? The hon. Member for Dorsetshire (Mr. Banks) had said over and over again, that the measures of the Government had brought down the price of wheat. The statement was cheered; well, but the hon. Gentleman was one of those who had supported the Government in so bringing down the price of wheat; and the great bulk of the agricultural Members also supported him. It was true that they had since found it necessary to make humble and abject apologies to the farmers at their county meetings; and the agricultural dinners were not so frequent, he observed, since the price of wheat had fallen. He could not lose sight of the fact which he had observed for some years past in his own district, and which he knew existed in the agricultural districts; and were he the owner of a large estate in either of the southern or midland counties of England, he could not rest on his pillow, knowing the terrible destitution of the labouring people who surrounded him. Did any hon. Gentleman object to that? He took their own statements, and they had the fullest statements of the extent of that destitution. They had lately had a Commission of Inquiry into the state of the labouring population in Dorsetshire and Hampshire—a Commission composed of two Gentlemen, the one a surgeon of great respectability, and the other a person of considerable talent, who had been previously employed by the Government in similar investigations—and those Gentlemen had made an accurate report of the result of their labours, which would be given to the people before long, he understood, in a pamphlet or some other shape. From that Report hon. Gentlemen were aware that the expenditure of the agricultural labouring population of those counties in manufactured goods was no more than had been already stated by his hon. Friend the Member for Stockport, viz., 30*s.* a year, and even that sum included the making up of the clothes, thus not leaving more than 25*s.* a year as the actual sum expended by each person with the manufacturer of the north of England. Surely there could be no more fearful position for a man of property, than to be surrounded by a degraded and suffering population. The right hon. Baronet had spoken of the sensitive nerves of the agricultural interest; but if they saw terrors in the repeal of the Corn Laws, there were worse terrors in maintaining the present system. He implored them to be advised for once—not by him, but by others who had had experience, and had examined fully the question. The hon. Member for Northamptonshire (Mr. Stafford O'Brien) had said that the inquiry by a Committee, as proposed by his hon. Friend, would be an inquiry of political economists, and they knew all about the political economy of the question already. But men sometimes required to be often told to do that which was right if they did not like to do it. The right hon. Baronet (Sir R. Peel) advised them to adopt free trade as a general principle, though not that night. The other evening the right hon. Baronet, in answer to the hon. and learned Member for Liskeard, made a speech which, except as regarded the articles of sugar and Income Tax, was, in respect to the other matters referred to in his Budget, as admirable a free-trade speech as he (Mr. Bright) could wish to hear; and he hoped before long to hear from the right hon. Baronet a three hours' financial statement, one important point of which should be the abolition of protection, and the establishment of perfect free trade in stead. Could any man deny that the tendency of the public mind was towards free trade? The tenants of hon

Gentlemen opposite were open to conviction; and there was no doubt that the feeling was spreading amongst men, that there was no use in depending on the House of Commons for prices of food, when it could not interfere with the wages of labour. Look at the condition of the farmer and the labourer in this country. He spoke it not in anger or to upbraid hon. Gentleman opposite who were connected with agriculture; but he stated it as a fact known to the country and to the world—that the intelligent of all countries were pointing at them as men who were not fulfilling the duties of their position; and when a man from another county—and as they would say of another class—proposed a thorough investigation of such an important question, if they refused it because he was not a landowner, or because he was a Member of the Anti-Corn Law League, he would tell them that they would not be able to justify themselves to their tenants, their labourers, their own consciences, or their country.

Mr. *Wodehouse* had no disposition to say anything in dispraise of the speech of the hon. Member for Stockport, nor of the truly comical speech of the hon. Member who had just sat down. His mind was determinedly made up to vote against the Committee; and for this reason, that men's minds were unsettled enough already, and if the proposed Committee were granted, they would never become settled again so long as the world lasted. The speech of the noble Lord the Member for Sunderland reminded him of the days of Cromwell. He had never heard a more accomplished ranter. The noble Lord was mistaken if he supposed that he (Mr. Wodehouse) had the least intention to shrink from entering into the fullest defence of the law by which protective duties had been imposed. He defied the noble Lord to deny that during the continuance of the Corn Laws, the commercial ascendency of this country had increased to a pitch that defied all comparison with any former period of our history or with the history of any other State. Then take the advantage of the Corn Law in a national point of view. Fifty years had passed during which the country had never suffered from the visitation of famine, and that could not be said of any other State in Europe. The noble Lord had alluded particularly to the Prohibitory Act of 1815; but he must remind the noble Lord of the time and the circumstances under which it was introduced. Though it might be true that that law was introduced amidst the curses of the people, it must not be forgotten that there was a singular decline of prices in that year. The price in 1815 was 63*s*., and it had been upwards of 100*s*. for three years previous. He would call attention to the manner in which the hon. Member for Wolverhampton, who might be called the standing Counsel of the League, had shaped his observations upon the law. He alluded to the speech of the hon. Member in 1840, in which he said,—

> "There is not a pretence for asserting that when provisions are high, the agricultural labourer is well off. The contrary has always been the case whenever such periods have occurred; as in 1797, a year of great scarcity and high prices."

Now, 1797 was not a period of scarcity and high prices. "The prices of wheat, 1795, 72*s*.; 1796, 76*s*.; 1797, 52*s*." Then, again, they had the same authority stating that, "in 1810 and 1818 there were great complaints of the sufferings of the agricultural labourers." But there was no record of any thing of the kind. Again—

> "Whenever provisions have been low, the labourers have been well off; great demand for their labour, and their wages have given them a greater command over the necessaries of life."

He could not understand how any man could have forgotten the depression of 1822, which dismayed the landed proprietors, and occasioned the most wretched destitution amongst the agricultural labourers throughout the country. One part of the noble Lord's speech referred to the condition of the labourer, and he was glad to have the opportunity of meeting the noble Lord on that ground. On this point he would refer to an authority which he thought would be at once admitted. In 1835, Mr. Senior published a preface to the various communications that had been made in instituting an inquiry and comparison of the state of the labourers in England and on the Continent, with respect to money wages, and he then stated—

> "On comparing these statements respecting the wages, subsistence, and mortality of those portions of continental Europe which have furnished returns, with the corresponding statements respecting England, it will be found that, on every point, England stands in the most favourable, or nearly the most favourable, position. With respect to money wages, the superiority of the English agricul-

tural labourer is very marked. It may be fairly said that his wages are nearly double the average of agricultural wages on the Continent. And as fuel is generally cheaper in England than on the Continent, and clothing universally so, his relative advantage with respect to those important objects of consumption is still greater. On the other hand, as food is dearer in England than in any other part of Europe, the English labourer, especially if he have a large family, necessarily loses on this part of his expenditure a part of the benefit of his higher wages, and, if the relative dearness of food were very great, might lose the whole."

Almost immediately after this another Commission was issued, of which Mr. Senior was also a Member, and it appeared somewhat singular that during the period between the two inquiries Mr. Senior's views had altogether changed, for the Report of that Commission stated,—

> "We believe that the generally diffused opinion, that the rate of wages depends on the price of provisions, owes its origin to the fact, that the price of provisions mainly depends on the rate of wages. The labourers constitute in all countries an overwhelming majority. Their wages form the great fund out of which the price of provisions must come, and their wages also form the principal element in the cost of producing provisions. The administration of the old Poor Law facilitated the error which we have been exposing. Under the unhappy system prevalent during the forty years immediately preceding the Poor Law Amendment Act, a large portion of the labourers of England were treated, not as freemen, but as slaves, or domestic animals, and received, not, strictly speaking, wages, regulated by the value of their labour, but rations proportioned to their supposed wants."

Yet during those forty years the price of day labour and task labour had doubled, and there had been no instance of failure of employment of man, woman, or child. Mr. Deacon Hume was another witness; but one whose reasoning hon. Gentlemen opposite perverted, and one whose disciples they were unworthy of being, for he was honest and had a character for telling the truth. He was asked this question:—

> "In the case of a working man in a foreign country receiving wages of 6*s*. per week, with which he can get as many of the necessaries of life as the working man of this country with 10*s*. a week, if the skill of those two workmen is equal, would you say that the production of the labour of the foreign workman shall entirely supersede the labour of the English workman, or that the English workman must come down from 10*s*. a week to 6*s*. a week, so as to be upon an equality in point of production of the article he manufactures? His answer was: I should not consider the taxes or the wages paid or received in this and the foreign country as one of the elements of my calculation."

Then there was another question put, as follows:—

> "It having been said that the great article of expenditure in the navigation of a ship is the wages; have you any suggestion to offer whereby that onerous charge could be reduced? Would any remedy such as you have already suggested produce any effect in bringing the rate of wages paid in a British ship to the same rate that is paid in a foreign ship?"

To this Mr. Deacon Hume replied:—

> "It is impossible to say, because there is a great variety of foreign ships, and a great variety of rates of wages and qualities of food in foreign ships; but if the price of provisioning the ship be greatly reduced, and at the same time provisions were made generally cheaper to the country [*Cheers*], and wages in general reduced, I can have no doubt that sailors' wages would fall with the rest."

Would they cheer that? Would the gallant Commodore opposite cheer that? Then, with reference to the permission of the importation of silk stockings, Mr. Deacon Hume was asked—

> "Do I understand you, in the opinion you have given, to contemplate placing the workmen of this country on the same, or nearly the same footing as the workmen of other countries?"

He replied—

> "I do not conceive that it is so clear a case that those trades would be annihilated if the protection was taken from them as a part of a general system of relinquishing all protection; but I am far from supposing that a change from a totally free system would not make many changes in the employment of the industry of this country; and it is possible that that change might lead to the relinquishing of some branches of the silk, and even of the cotton manufacture."

He hoped that the noble Lord the Member for the City of London, the next time that he proclaimed that protection was the bane of agriculture, would add to his Motion the opinion that, by abolishing it, the working people would be ground down to the continental level; and he hoped, too, that the *juste milieu* Government would take a note of the same thing as well as the noble Lord. He knew that he ought perhaps to sit down. Indeed, nothing would give him greater happiness than were he never to be called on to open his lips again. But they were in a very peculiar situation; and it was his firm faith—although upon the subject he always had the misfortune to differ from the right hon. Gentleman at the head of the Government — that the currency was at the bottom of it. Into that question, however, he would not enter, but would content himself with giving his vote for a decided negative to the proposal for this Committee, the appointment of which could lead to no good; but would, on the contrary, be viewed by the farmers, from top to bottom—except where disgust and despair had taken away every iota of judgment—as an absurd and impolitic proposition.

Mr. *C. P. Villiers* said, that the hon. Gentleman who had just sat down began his speech by remarking on what had fallen from his noble Friend the Member for Sunderland, and characterized his speech as one worthy only of the days of Cromwell. Now, the hon. Member must allow him (Mr. Villiers) to retort on him an observation upon the peculiarities of his own speech, which he must say was characteristic of the present day and of no other—it was indicative of the class to which he belonged—which he represented —and which, he must be allowed to say, showed manifest signs of decline and decay; and under these circumstances he must agree in the reasonableness of the hon. Gentleman's own remark, that it would be a fortunate thing for him if no other opportunity was offered to him of again expressing his sentiments to that House. The hon. Member must not take offence at what he said, for he was not very nice himself in his criticisms. He had just made some allusions to the respect for truth on the part of his opponents that were not over courteous; he had referred to his (Mr. Villiers') own statement on a former occasion on matters connected with the subject before the House, questioning their correctness—charging them with exaggeration, almost hinting that they were known to him (Mr. Villiers) to be incorrect. Now, with reference to those statements, he must contend that they were strictly correct, and defy the hon. Member to disprove them. He referred on that occasion to the year 1797, as a year of great embarrassment, and in which the labourers were ill off—the hon. Gentleman says, it was far from a period of distress. [Mr. *Wodehouse:* I said no such thing.] Well, then, how was he (Mr. Villiers) incorrect? But he would tell the hon. Member why it was a bad year for the labouring class, which was, that it was a period of a high price of food—it was a period when the labourers ought to have had high wages; but which their employers were averse to give them; and it was a year remarkable for the scheme devised by justices and country gentlemen to make their neighbours pay the wages which they ought to have paid to their labourers themselves; the year when the squires attempted to regulate wages by the price of food, and to make up what they didn't pay by the parish rates; it was, in fact, about this time when the squires of Norfolk were said to have dined before they acted. But this only proved that periods of high prices were periods when shifts of all kinds were resorted to, to enable the labourer to live, and that the rise of wages is not the natural result of such a period; and it further confirmed what he had said before, and what he now repeated, that there never had been a period of high prices of the necessaries of life that had not been one of great suffering and privation for the labouring class; and it was also true that the people always did well when food was cheap. [Mr. *Wodehouse:* How was it in 1822?] That year was one of very low prices, and there was the evidence on record of the Minister whom the hon. Member regularly supported, that it was a time extremely favourable to the working class, —he alluded to Lord Liverpool, who said in debate in the House of Lords, that however much he regretted the alleged distress of the agriculturists, that it was a consolation to him to assure their Lordships that there never was a period when the working classes were better of. [Mr. *Wodehouse:* He only alluded to the manufacturers.] On the contrary, he alluded especially to those in London at that time, and spoke from official information. But he (Mr. Villiers) would no longer contest this matter with the hon. Member. It was not the point immediately before the House, or the one that ought to determine the question proposed to them; and he must now particularly call the attention of the House to the manner in which this Motion had been met— the manner in which the facts and arguments of his hon. Friend had been treated—the reply which had been made to his speech,—so full and clear as it had been, and so interesting as it ought to be to gentlemen who came there as farmers' friends, and who ought to be prepared to answer or account for the facts which had been stated. He was really astonished to hear the speech of the right hon. Gentleman the Secretary at War. Considering the large majority he could command, he did not say that were the country indifferent upon the question, that he might not have ventured to have treated the matter with the levity and indifference which he had exhibited. But the right hon. Gentleman could not deny that the question of agricultural distress created a great sensation in the country, and excited great division of opinion among his own supporters. He knew that there were loud complaints against the Government, and general murmurs as to the cause of the existing depression. The right hon. Gentleman, however, treated with equal indifference his agricultural supporters—those whom he styled political economists, and those who advocated doctrines opposed to his own—he treated them all as people of no weight, and as individuals whose opinions were generally founded in error. He could hardly, however, deny the fact — that societies for thwarting his policy were formed all over the country—that landowners and farmers were gathering together all through the country, to proclaim their grievances, and state their conviction that they had been injured? How did the right hon. Gentleman treat these manifestations of opinion? Why, barely with respect, alleging that there might be local or individual distress, but denying that there was general depression among farmers, and urging that the depression which did exist had no connexion with the legislative measures introduced by Government. Now, he was not there to say that the right hon. Gentleman was not right in treating a great deal of what was said at these Protection Societies with very great contempt. He himself had heard to-day of the proceedings at one of these meetings, which would go far to justify the right hon. Gentleman in taking such a view of their opinions; but still, the right hon. Gentleman could not deny that among his own Friends, amongst those to whom, from their rank and station, he might be inclined to defer, there did exist very different opinions as to the cause of the present agricultural distress. If he would therefore concede the inquiry, he should, at all events, have stated or tried to state some better reasons than he had brought forward for refusing it. For the right hon. Gentleman's argument went against all inquiry by this House, and he had really treated this House with so little respect in the matter, that he thought the Speaker might at one time have called him to order. [" Oh," *from the Ministerial Benches.*] Yes, for the right hon. Gentleman had said that if he knew the opinions of the majority of a Committee, he could draw their Report. What a farce, then, must all their proceedings appear to the public, when such a statement was made by a Gentleman in the position of the right hon. Secretary-at-War, and cheered by his Friends! He was now a Cabinet Minister, and it would go abroad as coming from him, that all Parliamentary inquiries were mere mockeries. Now he begged to vindicate the House in this matter. He did not believe that it was the case. Hardly a great measure of reform, legal, political, or commercial, had been carried which had not been preceded by such inquiries. He might instance the Reform Bill, the Municipal Reform Bill, the Poor Law, and others. The appointment, too, of the Import Duties' Committee had been very much sneered at at the time—indeed, perhaps, it owed its existence to the contempt with which it was looked upon. Yet the commercial reforms such as they were, and were now being carried into effect, had their origin in its Report. Its importance had been recognized by the right hon. Baronet, and it had had great effect upon public opinion. His hon. Friend had brought forward his Motion most opportunely, just at a time when it would excite interest and produce effect. No statement could have furnished fairer grounds for inquiry than the one they had that night heard; and he confessed that he could not understand the principle which guided the Government in the granting or refusing these Committees, if the inquiry then sought for should not be conceded. They had lately granted a Committee upon another subject. There was to be an investigation into the effects of the game laws. And last year a similar inquiry was acceded to when the shipowners came forward, declaring that they were in a distressed condition. Why, he thought the Government ought to see their interest in granting this inquiry. If it did not elicit the truth, at least it would show the folly of those who attacked the Government, when coupling the existence of agricultural distress with the course of their policy. He heard no later than last week of a meeting in Stafford, the county where the right hon. Baronet at the head of the Government resides. The Earl of Dartmouth presided, and one of the Resolutions passed was to the effect, that the measures of the right hon. Baronet tended to the confiscation of landed property, and that nothing but a great reduction of the fixed charges of the country could compensate the landowners for their losses. Now, the Earl of Dartmouth was, or had been, he believed, Lord Lieutenant of the county. He appointed magistrates, and exercised other important functions, and these were his opinions, — opinions doubtless echoed by his followers. Would it not be a great advantage to have a Committee to examine the Earl of Dartmouth; to hear his explanation of these things; to ask him what landed property had been confiscated; and what was there in the number of articles struck out of the Tariff calculated to injure his estates? What the noble Earl meant by cutting down the fixed charges of the country he did not very clearly understand. He presumed, however, that one of them was the National Debt. Now, really it was not an indifferent thing for men of rank and station to sanction such Resolutions as these, and to hold the language they are doing. In some parts of the country—in those parts, he presumed, where railroads had not yet penetrated—what lords and squires said had great moral weight; and what fell from a squire or great man was as much believed as what fell from a minister of the gospel—what they said, then, was not matter of indifference. They told men in humble life, and those who thought they must know the truth—that the Legislature and the Government passed laws to injure them in their business, and to confiscate property; and, from not being every time brought to book in these matters, they are constantly doing this. It was not only the present Government which they attacked—they fell foul of the last Government too. They accused it of bringing the Constitution into contempt — nothing, indeed, that could be said to damage and bring discredit upon any Government they left unsaid. People said then, " Oh, they don't mean it—they only want to help their friends into office." Well, but when they got them into office, these earls and squires, and people of high degree, rose up again and alleged that the new Government was worse than the old. " Don't trust the present Government," they exclaim to all their neighbours, " they are unworthy men, who disregard their promises; they are traitors, and seek to injure you." Such was the language held—and held in consequence of the measures of Government —in consequence of the protective system not answering; held in fact, as it has been before, in consequence of wheat being low—believing as they do, perhaps from not knowing otherwise, that it is the fault of the Government that wheat was low. Well, then, what was the Motion before them? For an inquiry into the causes of the system not answering; into the causes of the farmers making no profit; into the causes of wheat being low. A Motion perfectly consistent with the existing state of things, and calculated to instruct them as to the real causes of their misfortune, which they will continue to misapprehend until the truth is proved to them. He saw to-day an account from Staffordshire of a meeting held there three days ago. The charge against the right hon. Baronet at the head of the Government there, was, that he had promised 56*s.* for corn, and they had not got it. They could only get 45*s.* What a man this was to deceive them! so said they. A Resolution was therefore passed, deprecatory of the right hon. Gentleman, in the county town near his own residence. Now, the Gentlemen who passed this Resolution could be examined before the Committee if they granted it.—[Sir *R. Peel:* All of them?] No, not all of them; in this case the Secretary would suffice, the staple of whose oratory was the charge of treachery and injustice against the right hon. Gentleman. But it was really imprudent to allow such things to be broadly stated all over the country. I want such Gentlemen interrogated on these matters. I want them to prove what they say. It has a bad moral effect for these things to go uncontradicted—they were serious charges and ought to be met; it was the way to meet them to inquire into their truth, and an opportunity was now offered to the

Government to vindicate their policy to their own friends. He (Mr. Villiers) of course believed it to be all stuff, and utterly false what these gentlemen said to prove that their sufferings were owing to the recent measures of the Government. He did not mean to charge them with saying what they knew to be untrue; but for that reason he should the more like to put their views to the test of inquiry; in fact, he thought they could be enlightened themselves by inquiry. He hardly knew what this House was good for if it was not for such a purpose as this. If there was a strong feeling yet left anywhere, in favour of this House, it was from the idea that when there were great diversities of opinion among different classes upon matters said to be within legislative controul, or for which the law was answerable, that this House would fairly examine into the allegations made, and either devise a remedy or declare its opinion upon them: would they then prove that for this purpose and in this case it was useless? It seems that the agricultural body are not wholly averse to it—why should the Government refuse it? The hon. Member for Northamptonshire was, he believed, high in the confidence of that interest: he was for it; he said it would sooth the feelings of that body—it would allay the present irritation of what he thought he had heard the right hon. Baronet refer to the other night, namely, the agricultural mind. If he was not mistaken he heard that expression; he had not originated that idea himself, but he learnt it from the right hon. Gentleman. Well, then, that influence called the agricultural mind would be soothed by this inquiry. The Member for Northamptonshire, who was, be believed, the librarian of the Royal Protection to British Agriculture and Native Industry Society, said so; he must know why it should not be granted? The right hon. Gentleman can have no objection to Committees or to Gentlemen occupying themselves in that way, for it was only the other night that he especially recommended this occupation to hon. Members—deprecated their making brilliant speeches—pointed to Committees up stairs as the road to eminence. Well, then, what an opportunity would be lost if this Committee was refused! The House could well spare fifteen of its Members out of its 658; and what an occasion it would be for them all to rise to eminence by soothing "the agricultural mind!" Surely this should be allowed them; they knew that this matter of agricultural distress had occasioned such bitter feeling on the other side that hardly any two Members would shake hands together, and that on account of a misapprehension as to the cause of their misfortunes. On every ground, however, the Motion of his hon. Friend, unanswered as his statements had been, should be conceded; and without detaining the House farther at this late hour of the night, he should cordially support it.

Mr. *Bankes* would confine himself strictly to the point before the House—namely, whether they should have a Committee to consider the distress prevailing in the country, and the propriety of giving protection to agriculture. Now it was tolerably certain that the annual Motion of the hon. Member who had just spoken would not be denied to them this year, whether they had a Committee or not. They knew, moreover, that, in respect to other matters affecting the agricultural interests, particularly as connected with the prevailing distress, there were other Motions in prospect—one standing on the Book for to-morrow. With these several opportunities likely so soon to happen of discussing the more general principles which applied to the question of agricultural protection, he asked whether it was either necessary or expedient to accede to the hon. Member's proposition for the appointment of a Select Committee? Giving the hon. Member for Stockport full credit for his candour, he still must beg leave to observe also that the agricultural interest would not receive with satisfaction whatever a Committee proposed by the hon. Member might promulgate. With regard to the question of protection, and the interests of agriculture, as well as the distress under which that interest suffered, they would to-morrow have an opportunity of considering that subject upon the Motion which his hon. Friend the Member for Somersetshire intended to submit to the House. He did not see that any advantage whatever could arise from withdrawing this discussion from the House, and confining it to the discussion of fifteen select Members of the House. Instead of being limited in that narrow way, he thought that the question was one in every way entitled to the consideration of Parliament itself. He could not see the necessity of retiring into a private room to consider a matter which was of interest to the Empire. He desired no Committee to inquire into distress which he knew existed to a very great extent; and he knew, moreover, very well that the Government did not deny the existence of that distress in a large degree. He believed that that distress was even more extensive than was admitted. A deputation consisting of Peers and Commoners, of landlords and of tenants, representing not less than twenty-two counties, had waited on the Government to represent that distress. No doubt could exist as to its existence, nor that it was very extensive. He believed that the agricultural interest had on very sufficient grounds complained of the too great withdrawal of protection. He had gone further than many others in opposing that withdrawal of protection to so large an extent; but he saw that the Government were supported by a large majority, which certainly might have warranted him in hoping that their measure was satisfactory. Now, suppose they went into a Committee on this subject, what would be the result? The hon. Member for Stockport would have his opinion; and no doubt would maintain it throughout the whole discussions of the Committee. The proposed Committee was to be formed of Members selected for their opposite opinions; and however long they might sit and continue their arguments, he could anticipate no satisfactory result from the appointment of a Committee. The hon. Member for Wolverhampton had stated, as one of his reasons for the appointment of this Committee, that he should have an opportunity of examining the noble Lord who had presided at a meeting of the county of Stafford. Now he did not think that the examination of the noble Lord would carry out the notions that the hon. Member had formed of that noble Lord's opinions. The hon. Member would find that the noble Lord did not mean the national debt when he spoke of the burdens on land, feeling that the national credit was the mainstay of our national prosperity. Who were more interested in the maintenance of the national credit than the landowners, whose interests were bound to the country? The hon. Member for Stockport, and those who voted with him—the Members of the Anti-Corn Law League—were, according to their own statements, very differently situated. They were in the habit of saying that capital owed no allegiance to the soil of England. The hon. Member, and others similarly circumstanced, could carry their capital to any other country, become wealthy there by the same means by which they acquired their capital at home. That was not the case with the landlords of England. They could not transfer their allegiance in the soil. He had listened with great attention to the speech of the hon. Member for Stockport; and whatever might be the force of his assertion and the ingenuity of his arguments, he entirely differed from the hon. Member's conclusions. One special omission he had observed in the speeches both of the hon. Member for Stockport and the noble Lord the Member for Sunderland—an omission which involved the most important part of the whole question, what were they to do with the surplus population? If they were only to go into Committee to ask each other this question, they might as well stay where they were. The hon. Member for Stockport had given no answer to that often-asked question; and until he did his argument would be fully answered by this alone. The noble Lord the Member for Sunderland said that to enrich a nation you must bring in an abundance of food; but what was the good of food if you gave the people no money to buy it with? It was denied that the manufacturers wished to draw away the agricultural population to their manufactories. He did not impute to them any unworthy motive in the encouragement they gave to labourers to enter their factories; he would not suppose that they would endeavour to overstock the manufacturing districts with labourers, from the sordid motive of desiring to reduce the wages of those in their employ; but their capacity of employment must have its limit; and they could not suppose that they would be able to provide for all the labour which they sought to displace. He could not pretend to quote Scripture with the correctness of the noble Lord (Lord Howick); but the purport of the noble Lord's quotation was, "You have employed the reapers while you have withheld their hire." Now, his answer was, under the change proposed you could not employ the reaper at all, for the necessary effect of throwing open our ports would be to throw poor soils out of cultivation, it being impossible to compete with the superior corn grown in many Foreign countries. Now, with respect to the appointment of the Committee. If there were no other objection to it, surely the immense number of Railway Committees of which there was an inevitable prospect, would be quite a sufficient reason against the appointment of more Committees than were of essential necessity at the present period. For himself he had to observe that he had been already nominated one of a Committee appointed to inquire into the game laws, which would, he had no doubt, sit during the whole of the Session. He therefore thought that it would be the wisest course to forego the appointment of the Committee now proposed by the hon. Member for Stockport. He did not mean to say that under no circumstances could he consent to the nomination of a Committee of this description. When there were doubts and difficulties a Committee of the House of Commons was the proper tribunal; but there were no such doubts and difficulties now existing; and the result of a Committee would be that no Report would be presented, but that a mass of evidence would be laid before the House to prove facts which were already sufficiently known. If any additional argument was required against the appointment of a Committee, it would be found in the circumstance that not a single petition had been presented in favour of it. And as he did not consider that it would confer any benefit, either on those positively interested in the concerns of agriculture, or on the public at large, he should therefore give the Motion a decided negative.

Viscount *Ingestre* begged to correct a mistake into which the hon. Member for Wolverhampton had fallen. The noble Lord to whom he referred as presiding at the meeting in Staffordshire was not, as stated, Lord Lieutenant of the county. The hon. Gentleman also referred to Resolutions passed at the county town of the county which he represented. Now these Resolutions complained, not of the sliding scale, but of protection being withdrawn, and of the burdens which pressed on the agricultural interest.

Colonel *Anson* wished to offer an explanation of a mistake into which he had fallen, on the presentation of a petition from Lichfield, which was agreed to at a public meeting yesterday. He was mistaken in stating that it referred to the sliding scale adopted by the right hon. Baronet at the head of Her Majesty's Government. He was sure the House would not accuse him of making any wilful misrepresentation. The petition had been forwarded to him from Lichfield, and two copies of Resolutions from Woodstock and Stafford. He had looked over them in a very cursory manner, and also the petitions, and on presenting the petitions he made use of the arguments used in the Resolutions. In order to set himself right, he would read the Resolutions which had been passed at Woodstock, and which had caused the mistake:—

"At a special meeting of the Wolverhampton Agricultural Protection Society (duly convened), held at the Swan Hotel, on Wednesday, February, 26, 1844, the Earl of Dartmouth in the chair, proposed by Mr. Robinson, seconded by Mr. Whitgreave, and resolved unanimously,—'That this meeting rejoices to know that the manufacturing interests are in a state of prosperity; and regrets not only the ruinous condition of agriculture, but that a necessity exists for declaring that such distress is not local but general, arising from the unremunerating price which grain produces. That in the opinion of this meeting the landed property of the kingdom must be confiscated, and the capital of the tenantry sacrificed, unless they receive adequate protection against Foreign competition, or unless reductions are made in the fixed charges of the country equivalent to those which have been made in the products of industry. That the imposition of an Income Tax on assumed profit where none exists is an act of extreme injustice and oppression.' Proposed by Dr. Mannix, seconded by Mr. Oatley: resolved unanimously,—'That the sliding scale, however inadequate, was considered by the agriculturist as the amount or rate of his protection; but that in consequence of the Canadian Corn Law virtually admitting wheat from the United States free of duty, that scale of protection has been rendered nearly inoperative, and is, therefore, to a certain degree deceptive.'"

The other Resolutions were not of any importance on the present occasion, and he would, therefore, not trouble the House with them. With the permission of the House he would also read the petition. The hon. Member having read the petition, observed that he had never voted for any immediate repeal of the Corn Laws. He had, however, always supported the Motion of his noble Friend for a fixed duty, being confident that that was the proper principle, and that it would place the Corn Laws in such a position that they could be altered without injuring the different interests of the kingdom, or creating that difference of price which must exist under the present system. He did not approve of the formation of societies throughout the country for the protection of agriculture, because he thought they did a great deal more harm than good, and that protection had been the means of reducing agriculture to its present condition. He was also satisfied that a fixed duty would insure greater steadiness of price, and that wheat would bear as good a price under a fixed duty as it did at the present moment. On these grounds he should vote for the Motion of the hon. Member for Stockport, and felt astonished that agricultural gentlemen should shrink from inquiry.

Lord *Worsley* was anxious to address the House, because it was said that many hon. Members would be disposed to vote against this Motion, because it was proposed by a Member of the Anti-Corn Law League. That was not the reason which induced him to vote against it. He would have equally objected to the Motion of the hon. Member for Northamptonshire (Mr. S. O'Brien), if he had brought it forward, because he thought that those Committees would only have the effect of raising hopes which would ultimately be disapointed. In 1836 a similar Committee was appointed, which was presided over by the right hon. the Speaker of this House, and notwithstanding that it had sat from April to June they came to no satisfactory decision. He was of opinion, however, that there was not only great distress, but very general distress amongst the agricultural classes; but he held that such a Committee as was now called for would only be holding out false hopes both to the tenant farmers and the agricultural labourers, and on those grounds he would oppose the Motion of the hon. Member for Stockport. The general opinion amongst the farmers certainly was that this distress was in consequence of the alterations which had been made in the Corn Laws and the Tariff by the present Parliament. If he was right in this belief, he could not see what result they could hope to gain from such an inquiry as was now called for.

Mr. *Cobden:* I have only to remark that the course of this debate has been very much what I expected, and so, I believe, will the result of the division. A Member of the Government rose immediately on my sitting down, and intercepted two or three hon. Members on the Protection Benches. A right hon. Gentleman, a Member of the Cabinet, gave the cue, and it has been, I must say, very ably taken. The noble Lord who has just spoken, has, it seems to me, furnished the clearest grounds for granting the Committee. He says the farmers attribute the distress to the new Tariff. Do you think so? Then will you inquire to see whether it be so? You will not inquire. Then, I ask you again, what is it you intend to do? You are in this position. Notice is given of a repeal of the auction duty; 300,000*l.* is proposed to be remitted in a certain way. The great Protection Society is coming down to have a field-night to transfer that relief to some other purpose; it is not yet clearly explained what. You suppose it will be most liberal to vote this money to the tenant farmers. It will be just a pound a piece. Will you deny that? No, I'll answer for you, you will not. More than that, you know you will not get it, because you know very well you will not succeed in your Motion. There is not a Motion that springs from that Bench, not a Notice of Motion given from it, but it is received with cheers and laughter, as though everybody knew it was a sham. If I am doing you injustice, you may put youselves right with this House and the country in a very summary manner. There are 370 of you on that side of the House. It only requires that 100 men should take the part which my hon. Friends and I take on this subject, or should sit aside on those Benches, and resolve you will have something done or separate yourselves from this Government with all its patronage and favours, and you may do anything you please. But you do not intend to do that just now. You have nothing to propose, and nothing will be done. And now I mean, with all candour, to say one word to hon. Gentlemen as landlords in this House. I have never, either in this House, or talking to your tenantry, through twenty counties in England, in open air assemblies—I have never said one word to imply that I knew you must reduce your rents, as a part of the system of carrying out free trade. It would have been a popular clap-trap if I had gone thus among your tenants. I have abstained, from this motive, because I conscientiously believe, with a proper adjustment of tenure, fair terms with your farmers, and due application of capital, that the rental of this country may be better paid with free trade. I am going to tell you in all candour what I think of the landlords who govern this country. You pass a law avowedly to maintain prices. Your own Prime Minister expressed his design to fix the price of corn, as far as legislation could do it, between 54*s.* and 59*s.* The right hon. Gentleman the President of the Board of Trade took credit to himself three months ago for having succeeded. Your own paper, the *Morning Herald*, was boasting and rejoicing only last August, that you had succeeded in keeping steadiness of price at the figures marked. Upon this delusion you have fixed your rents, while by the legislation of this House you have precluded your tenants from availing themselves of other means to pay those rents. I ask you if it is honest to debar your tenantry from those other means, while they might pay their rents without distress to themselves, or impoverishment of their land—in order to escape from the fair adjustment of leases, from making new terms, and above all, from doing away with that most horrid nuisance, of which you will hear more than you perhaps expect—the game which is devouring your tenants. I say you have refused this adjustment; you keep the farmers' minds diverted from it: and now I ask you, if any one see the matter in that light, will he take an honest part in the discussion of it? If you told your tenantry you must listen to none of this by-play in the House of Commons—for it is but by-play—if you came to a large deduction of rents, so that your tenantry might get those terms which you now prevent them from having by keeping on this one tack of will-o'-the-wisp protection, I should say you were acting an honest part. Those hon. Gentlemen who give leases—I might instance the father of the noble Lord the Member for Sunderland, I understand his is a model system of leasing; those also who give corn-rents, as the hon. Gentlemen from Scotland—must excuse me if I take a tone different from what I have done, and point out to hon. Gentlemen opposite how they have committed a gross delusion, a gross fraud on their tenantry in keeping up their present rents, and show how they are bound to reduce their rents, unless they can carry out their principles of protection.

The House divided:—Ayes 121; Noes 213: Majority 92.

List of the AYES.

Ainsworth, P.
Aldam, W.
Anson, hon. Col.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. H. F.
Bernal, R.
Blake, M. J.
Blewitt, R. J.
Bouverie, H. E. P.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Buller, E.
Busfeild, W.
Childers, J. W.
Clay, Sir W.
Colborne, H.W. N.R.
Collett, J.
Cowper, hon. W. F.
Currie, R.
Dawson, hon. T. V.
Denison, J. E.
Dennistoun, J.
Divett, E.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Duncombe, T.
Dundas, Adm.
Dundas, F.
Ebrington, Visct.
Ellice, E.
Ellis, W.
Escott, B.
Etwall, R.
Evans, W.
Ewart, W.
Ferguson, Col.
Forster, M.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Grey, rt. hon. Sir G.
Hallyburton, Lord J. F.
Hamner, Sir J.
Hastie, A.
Hawes, B.
Hayter, W. G.
Hindley, C.
Hollond, R.
Horsman, E.
Howard, hn. C.W. G.
Howard, hn. E. G. G.
Howick, Visct.
Hume, J.
Hutt, W.
Johnson, Gen.
Labouchere, rt. hn. H.
Lambton, H.
Langston, J. H.
Lascelles, hon. W. S.
Leader, J. T.
Macaulay, rt. hon. T. B.
Mangles, R. D.
Marshall, W.
Marsland, H.
Martin, J.
Maule, rt. hon. F.
Mitcalfe, H.
Morris, D.
Morison, Gen.
Muntz, G. F.
Murray, A.
Napier, Sir C.
O'Connell, M. J.
Osborne, R.
Paget, Col.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pattison, J.
Pechell, Capt.
Philips, G. R.
Plumridge, Capt.
Ponsonby, hn. C. F. A.
Protheroe, E.
Rawdon, Col.
Ricardo, J. L.
Rice, E. R.
Ross, D. R.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord E.
Scott, R.
Scrope, G. P.
Sheridan, R. B.
Somerville, Sir W. M.
Stansfield, W R. C.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Trelawny, J. S.
Villiers, hon. C.
Vivian, J. H.
Walker, R.
Wall, C. B.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Williams, W.
Wilshere, W.

TELLERS.

Cobden, R.
Bright, J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Astell, W.
Bagge, W.

Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Bankes, G.
Baring, T.
Baring, rt. hn. W. B.
Barrington, Visct.
Beckett, W.
Bell, M.
Benbow, J.
Bentinck, Lord G.
Beresford, Major
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H.
Cardwell, E.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Clayton, R. R.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Cochrane, A.
Codrington, Sir W.
Colvile, C. R.
Compton, H. C.
Copeland, Ald.
Courtenay, Lord
Darby, G.
Deedes, W.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Disraeli, B.
Dodd, G.
Douglas, J. D. S.
Dugdale, W. S.
Duncombe, hon. A.
Du Pre, C. G.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Entwisle, W.
Farnham, E. B.
Fellowes, E.
Ferrand, W. B.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Foreman, T. S.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hon. W. E.
Gladstone, Capt.
Gordon, hon. Capt
Gore, M.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, Sir H.
Hamilton, W. J.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, rt. hon. S.
Holmes, hon. W. A.
Hope, hon. C.
Hope, G. W.
Hussey, A.
Hussey, T.
Ingestre, Visct.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Knightley, Sir C.
Lawson, A.
Legh, G. C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lowther, Sir J. H.
Lowther, hon. C.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
McGeachy, F. A.
McNeill, D.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Martin, G.
Maunsell, T. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, W.
Morgan, O.
Neeld, J.
Neeld, J.
Neville, R.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Oswald. A.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Pollington, Visct.
Powell, Col.
Praed, W. T.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Rendlesham, Lord
Repton, G. W. J.
Rolleston, Col.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrook, Col.
Ryder, hon. G. D.
Sanderson, R.
Seymour, Sir H. B.
Shaw, rt. hn. F.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smith, rt. hon. T. B. C.
Smyth, Sir H.
Smythe, hon. G.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Somes, J.
Sotheron, T. H. S.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Talbot, C. R. M.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, G.
Tollemache, J.
Tower, C.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

House adjourned at one o'clock.

HOUSE OF LORDS,

Friday, March 14, 1845.

MINUTES.] BILLS. *Public.*—2^{a}. Fresh Water Fishing (Scotland); Deodands Abolition.

3^{a}. Jewish Disabilities Removal; Stamp Duties Assimilation; Consolidated Fund.

PETITIONS PRESENTED. By the Bishop of Hereford, from Dean and Chapter of Hereford Cathedral, against the Union of St. Asaph and Bangor.—By Lord Campbell, from Parochial Schoolmasters of Inverness, for Inquiry with a view to their better remuneration.—By Lord Kenyon, from Newhall, against any further Grant to the College of Maynooth.—From Walsall, for the Suppression of Intemperance.—From Proprietors of Worcester and Birmingham Canal Navigation, for regulating Charges of Conveyance of Goods by Railway.—From Birmingham, for Repeal of 57th Clause of the Insolvent Debtors Act Amendment, and for the Establishment of Local Courts to decide all Claims under 20*l.*

THE CORPORATION OF LONDON.] Lord *Brougham* moved for a Return of the Number of Non-Freemen made Freemen, or of persons who have taken up their freedom during the year ended 5th July, 1844. He wished to state, in order to relieve the alarm which the worthy Members of the Corporation appeared to entertain at the Bill he had introduced on a former evening, that their alarm was perfectly groundless as far as regarded any intention of hurrying the Bill through Parliament. He hoped that he should not be considered guilty of any disrespect to the Corporation, of which he had the honour to be a Member, in moving for this Return; for he had received a communication from the highest authority in the city, the Lord Mayor—that was not from the Lord Mayor himself, because of course the Lord Mayor could not condescend to communicate with him in person—but from the City Remembrancer, who had written to him (Lord Brougham), stating that he was directed—(that of course was the proper mode to be used by so great a potentate)—to inform him (Lord Brougham) that he (the Lord Mayor) was concerned that he (Lord Brougham) had thought fit to introduce such a Bill into Parliament without communicating with the Corporation on the subject. Their Lordships' House was certainly reduced very low; but they were not yet reduced to so a low an ebb as not to have the power of introducing into Parliament any Bill without previous communication with, or without the approbation of any Corporation whatever.

Return ordered.

JEWISH DISABILITIES BILL.] The *Lord Chancellor* having moved the third reading of this Bill,

The Duke of *Cambridge* said: My Lords, I wish to say a few words to express my hearty concurrence in the Bill which my noble and learned Friend has introduced to your attention. I have had occasion for some time to know the good which persons professing the Jewish religion have done, and particularly with reference to the different charities to which I belong; and I can certainly say that it is to them that we owe a great deal, and that they contribute a very large portion to the funds of all the charities over which I have the honour of presiding. Two of the individuals whose names were mentioned in the speech of my noble and learned Friend on the Woolsack on a former occasion are personally known to myself. One was formerly High Sheriff of the county of Kent, (Mr. Salomons,) and I can bear witness to the good which he has done. Also, there was Sir Moses Montefiore, who, about five years ago, was Sheriff of London; and I must state, in justice to him, what occurred between him and me whilst he held that office. I happened to be requested by the Bishop of Winchester to preside at a meeting for the purpose of increasing the number of churches in that diocese. I went down to Winchester, and I happened to be walking in the garden, when I met Sir Moses Montefiore, who had come down on a very melancholy occasion, to attend the death-bed of a favourite niece. He came up to me, and learning what was the object of the meeting which I was about to attend, he gave me a very handsome sum which he desired me to present. I will not mention what the sum was, for it would be a violation of good taste to do so; but I think it only just to mention his name, and to show that I really feel that we owe a great debt of gratitude to gentlemen professing that persuasion for the good which they have done. I must say, that in that kingdom over which I was placed as Viceroy (Hanover), and in which I resided many years, that I can speak to the care which these persons evince in bringing up the orphans belonging to their persuasion in useful trades, so as to make them worthy members of society. I must at the same time declare that my sentiments of attachment to the church to which I belong can never waver or change; but, whatever toleration can be shown which does not impair the church to which I belong, the Established Church, I shall ever be most ready to support by my vote. I must now return my thanks to your Lordships for the attention with which you have heard me, and I hope you will excuse me for having said so much.

The *Lord Chancellor:* I feel very much gratified at the expression of interest and assent on the part of his Royal Highness to this Bill.

Bill read 3ª and *passed.*

STAMP DUTIES ASSIMILATION BILL.] The Duke of *Buccleuch* moved the third reading of the Stamp Duties Assimilation Bill.

Lord *Monteagle* said, that the Land Commissioners for Ireland had recommended that the stamp duties on agreements between landlords and tenants under 50*l.* a year should be abolished. He hoped that by agreeing to this Bill it would not be considered that their Lordships were precluded from bringing this question forward on any future occasion.

The Duke of *Wellington* said, that he did not consider that by agreeing to this Bill, either the Government or the noble Lord would be precluded from taking that Report into consideration, or from bringing this question forward, if they should think proper, even in the present Session.

Bill read 3ª and *passed.*

House adjourned.

HOUSE OF COMMONS,

Friday, March 14, 1845.

MINUTES.] BILLS. *Public.*—2°· Infeftment (Scotland); Heritable Securities (Scotland).

Reported.—Railway Clauses Consolidation; Customs (Export Duties); Lands Clauses Consolidation (Scotland); Railway Clauses Consolidation (Scotland).

3°· and passed:—Bastardy.

Private.—1°· Eastern Union Railway; Battersea Poor; Dublin and Drogheda Railway; Shepley Lane Head and Barnsley Road; Lowestoft Railway and Harbour; Harrogate and Ripon Junction Railway; Manchester Court of Record; Midland Railways (Swinton to Lincoln); Stokenchurch Road; Midland Railways (Nottingham to Lincoln).

2°· London, Worcester, and South Staffordshire Railway; Amicable Society Assurance; Edinburgh and Hawick Railway; Foulmire Inclosure.

Reported.—Birkenhead (Commissioners) Docks.

PETITIONS PRESENTED. By Mr. Leslie, from Protestants of Monaghan, for Encouragement to Church Education Society (Ireland).—By Mr. Maxwell, from Grand Jurors of Cavan, against Increase of Grant to College of Maynooth.—By Mr. Christopher, Sir Charles Knightley, and Mr. Newdegate, from a great number of places for Agricultural Relief from Taxation.—By Mr. Somes, from Operative Ropemakers of Port of London, against the Repeal of the Duty on Hemp.—By Sir W. Clay, from John Fairrie, for Compensation to Sugar Refiners.—By Mr. T. Duncombe, from Emma Martin, for Alteration of Law relating to Blasphemy.—By Mr. M. J. O'Connell, from Priests of Dublin, against the Charitable Donations and Bequests (Ireland) Act.—By Colonel Wood, from several Parishes in the County of Brecon, in favour of the County Courts Bill (1844).—By Mr. P. Stewart, from Renfrew, in favour of the Infeftment (Scotland), and Heritable Securities (Scotland) Bills.—By Mr. Henry Berkeley, from Metropolitan Tradesmen, and from Birmingham, for Alteration of the Insolvent Debtors Act.—By Sir John Rae Reid, from Dover, against Increase of Naval and Military Establishments.—By Mr. Brotherton, Sir J. Hanmer, Mr. Lawson, Mr. Langston, Mr. Ricardo, Mr. Stansfield, and Colonel Wood, from a great number of places, for Diminishing the Number of Public Houses.—By Mr. Colvile, from Proprietors of Cromford Canal Navigation, by Mr. Spooner, from Proprietors of Worcester and Birmingham Canal Navigation, and from Proprietors of Stourbridge Navigation, for regulating Charges by Railway for Conveyance of Goods.—By Mr. Cumming Bruce, from County of Nairn, by Sir Thomas Hepburn, from Dunbar, by Mr. Thomas Mackenzie, from Presbytery of Dingwall, by the Lord Advocate, from Presbytery of Mull, and from Dunoon, and by Mr. Pringle, from Presbytery of Selkirk, for Improving the Condition of Schoolmasters (Scotland).

RAILWAY CLAUSES CONSOLIDATION BILL.] The House assembled at twelve o'clock, and went into a Committee on the Railway Clauses Consolidation Bill.

The last clauses of the Bill having been agreed to and some new clauses added, the Committee took into consideration the postponed clauses.

On Clause 20,

Lord *G. Somerset* introduced an Amendment the better to secure mansions, ornamental grounds, and private roads from invasion by railway companies. It also altered the distance from 1,000 yards to 500 yards, with some minor changes of the same kind.

Colonel *Sibthorp* still entertained his objection to the whole clause, and was resolved to resist it. If he could not expunge it altogether in this stage, he would at least amend it, in order that it might not be so gross an attack upon private property. He entered his solemn protest against it, and hoped, if not here, that in another place, where landed property was more regarded, the clause would be rejected.

Lord *G. Somerset* observed that if his hon. and gallant Friend's Amendments were adopted, the clause would be valueless. He hoped that they would not be pressed; but that a solemn protest such as that just entered would be deemed sufficient.

Colonel *Rolleston* pointed out the particular instances in which railway companies had unduly invaded private property and ornamented grounds. Gentlemen's seats, mansions, and parks were exposed to most severe injury, and he hoped that nothing that could be done to protect them would be omitted in the Bill.

Lord *G. Somerset* added that such was the main object of his Amendments to the clause. He intended also to give private parties the Common Law remedy against nuisances, if companies erected brick kilns, coke ovens, or other annoyances near a mansion.

Sir *D. Norreys* objected to the enormous powers given by the clause to engineers; the less care an engineer took in laying out his plans the greater was the latitude given to him by the Bill.

Lord *G. Somerset* urged that allowance ought to be made for engineers, who might not be able in the first instance to lay out their plans and lines with as much exactness as afterwards. He could not consent to modify the clause more than he proposed by his Amendments in the hands of the clerk.

Mr. *Tatton Egerton* remarked, that many special Acts gave greater powers of this description than the Bill under consideration.

Colonel *Sibthorp* called attention to the situation of the poor man whose private property was invaded, or a nuisance erected in its neighbourhood, and who had no remedy beyond an action at law, the costs of which he could not afford. He considered the clause so oppressive, that if he found nobody to support him he would divide against it at the proper stage. He had not been sent there to protect the rights of gentlemen only; and if the notion of other Members was that all they had to do was to take care of the rich, who could take care of themselves, it was high time the House underwent a new reform.

Clause as amended agreed to.

The other postponed clauses were agreed to or omitted.

The House resumed. Report brought up.

LANDS CLAUSES CONSOLIDATION BILL.] House went into a Committee on the Lands Clauses Consolidation Bill.

On Clause 23,

Mr. *Tatton Egerton* proposed an Amendment, giving parties whose property was taken, the option of arbitration or an appeal to a jury. Juries were usually, he thought, biased, and decided against private parties, and in favour of companies. His object, therefore, was to secure a fair trial before an arbitrator, if a party preferred it.

Lord *G. Somerset* was willing to consent to the introduction of the Amendment, if the option between an arbitrator and a jury were not confined to the private party, but given to the company also.

Mr. *G. Craig* admitted the difficulty of obtaining a fair trial in many cases where appeal was made to a jury, and referred to the practice in Scotland, which was in conformity with the Amendment.

Lord *G. Somerset* did not agree by any means in the general censure passed upon juries for partiality to railway companies. He doubted whether the landowner would be benefited by arbitration as much as was expected. He contended that if the option were given, it ought in fairness to be given to both parties.

Mr. *Tatton Egerton* said, that if the option were also given to the company, the company would, in all cases, be guided in making its choice by the fact whether they could get a jury or an arbitrator most favourable to them. Small landowners were constantly bullied by companies, and compelled to take the sum offered, or to appeal to a tribunal which was notoriously ill-disposed towards them.

Mr. *Aglionby* contended, that trial by jury, though on the whole a great good, was not in all cases, an unexceptionable tribunal. Juries were formerly mad against railways, whereas now they were mad in favour of railways. He did not mean to charge them with corruption, but it was certain that in most cases juries did not administer justice. On the other hand, a well-informed arbitrator was usually as impartial as he was competent; in Cumberland he could point out many gentlemen who would be able to give a fair and discreet decision in a dispute of the kind.

Amendment agreed to.

On Clause 48,

Mr. *Aglionby* proposed an Amendment, in order more effectually to give parties an appeal from the Sheriff to the Court above on points of law. A case had arisen whether directors on railways were competent witnesses; collectively it had been decided they were admissible, under Lord Denman's Act, inasmuch as they had no separate interest; but this was a point upon which high and legal authorities were at variance. He proposed a clause enabling either party to apply to the Court above in order to set right an error in the Court below.

Lord *G. Somerset* apprehended that such an Amendment would be greatly in favour of companies who could afford to appeal, and against private parties who, perhaps, had not funds to enable them to pursue the case into the Court above. The practical effect must be to compel parties to resort to arbitration, in order to avoid the expense and inconvenience of a lawsuit.

Mr. *Aglionby* hoped that the noble Lord would pause until he had had time to make inquiries as to the expenses of such appeals; he did think that a Motion of the kind in the Court above would cost more than was within the means of a moderate man; it might not cost 2*l.*, and certainly not 20*l.*

Lord *G. Somerset* did not pretend to say what an appeal of the sort might cost; an *ex-parte* statement must first be made to the Court above, which would occasion an answer from the other party, and then there seemed no means of knowing where the expense would end.

Amendment deferred. Bill went through Committee. House resumed. Bill to be reported.

House adjourned until five o'clock, and then resumed.

Lord Stanley — New Zealand.] Mr. *G. W. Hope* said, that it would be in the recollection of the House that certain charges had been made against his noble Friend at the head of the Colonial Office. The charge related to the alleged conduct of his noble Friend to the New Zealand Company, and the charge was, that he had been guilty of a gross want of faith, and of deception. The Government had not had as yet any opportunity of vindicating the noble Lord; for on a previous occasion, when it was brought under their notice, it was done in such a manner, that, though the Government were indirectly accused, they could not enter into their defence. He perceived that the hon. Member for Liskeard had given n tice of a Motion for Tuesday, which had reference to the affairs of that Colony; but that notice, as was the case with the last which had been brought before the House on the subject of New Zealand, would give no opportunity for the vindication of the conduct and character of the noble Lord. He submitted to the House that such a course was not fair. The noble Lord had been distinctly charged in that House with conduct not becoming a Public Officer or a gentleman; and he (Mr. Hope) found that a petition was in course of circulation, and solicitations were being made to persons of high standing in the City to sign it, imputing to the noble Lord misconduct as regarded the New Zealand Company. He thought the House would agree with him that it was not fair that a charge should have been made, and not have been brought forward and substantiated. And as he (Mr. Hope) perceived it was not the intention of the New Zealand Company formally to substantiate that charge against the noble Lord before the Easter recess, he thought the House would further agree with him that it was due to the noble Lord's character, and to that fair play which every Englishman was entitled to, that such charge should be brought forward and gone into. He should, therefore, on Tuesday next, give a formal notice for the production of Papers for the purpose of raising the question, and enabling the New Zealand Company to substantiate the charge which had been made, if it was in their power to do so. He should also state, with reference to the Motion of the hon. Member for Liskeard, that he would adopt the course which the hon. Member complained he had not adopted the other night, and present the Papers to which his (Mr. Hope's) Motion referred, so that the hon. Member might at once have them in his hands.

Mr. *Aglionby* was prepared to repeat and substantiate the charge which had been made against the noble Lord the Secretary for the Colonies either then, on Tuesday night, or at any other time; and he was therefore quite in the hands of the hon. Member the Under Secretary for the Colonies. He was willing, if the hon. Member wished, now to repeat the charge, and give his opinion of the conduct of the noble Lord, in order that the hon. Gentleman might be perfectly aware of what he had to meet on Tuesday.

Viscount *Howick* thought if the hon. Gentleman the Under Secretary for the Colonies meant to raise the whole question, the Papers ought to be produced before he grounded any Motion upon them; as also the Papers which had been moved for the other night; and the hon. Gentleman had better not, therefore, fix so early a day as Tuesday for bringing the subject before that House.

Mr. *Mangles* said, that having been the party who had, he believed, in the first instance, and in the strongest terms, given his opinion as to the conduct of the noble Lord, he might be allowed to say, in answer to what had fallen in the shape of accusation and taunt from the hon. Gentleman the Under Secretary for the Colonies, that he should be quite ready to substantiate any charge which he had brought against the noble Lord the Secretary for the Colonies. But at the same time, he must say, that he should not allow the hon. Gentleman to dictate to him at what time he might choose to do so.

Lord *John Russell* said, the hon. Gentleman the Under Secretary for the Colonies had made a statement which he did not clearly understand. What was it that the hon. Gentleman proposed to do? to lay certain Papers on the Table and take no further step? was that the course which he meant to adopt?

Mr. *G. W. Hope* said he wished to take the same course which had been taken the other night—to move for Papers for the purpose of raising the question, in order to put before the House and the public the personal character of the noble Lord, in whose department he (Mr. Hope) served, and afford an opportunity of substantiating the charges which had been made, independently of the Motion of the hon. and learned Member for Liskeard, which was for the production of other Papers. As he had before said, he would do what the hon. and learned Member for Liskeard complained he had not done the other night, he would have the Papers presented, so that they might be in his hands, and he begged to state to the noble Lord the Member for Sunderland that the Papers moved for the other night should be in the hands of hon. Members by Monday morning.

Mr. *Hume* thought the hon. Member should state the distinctive charge made against the noble Lord, and if the Papers which the hon. Gentleman was about to present had any reference to the charge, the House should be in possession of them before the matter was discussed.

Mr. *G. W. Hope* said, the charge which he understood to have been made was this —that the noble Lord the Secretary for the Colonies had entered into what was stated to be an agreement with the New Zealand Company, and having done so, he undertook to give certain instructions to the Governor of New Zealand—that he gave one set of instructions as those which he had proposed to the New Zealand Company, and another set of instructions to the Governor, inconsistent with those which had been proposed to the Company; and thereby the Governor and Agent in the Colony was not in a position, or rather his instructions were not such, as to enable him to carry out the arrangements which the noble Lord had made with the Company.

Sir *R. Inglis* stated, that if the hon. Member for Liskeard (Mr. C. Buller) were present he would consent to postpone his Motion, fixed for Tuesday next, until such time as the House was put in possession of the documents. It was most desirable that hon. Members should have an opportunity of inspecting the documents that were intended to be laid upon the Table before going into any fresh discussion on the question.

Mr. *Mangles* [" Order "]. He did not see how he could be out of order in prolonging the discussion, considering that the hon. Member the Under Secretary for the Colonies had been allowed to speak a second time on the subject. He rose merely for the purpose of observing that if the hon. Gentleman thought there was any disposition on the part of the New Zealand Company to shrink from any charge made against the Colonial Government in general, and Lord Stanley in particular, he was exceedingly mistaken. With respect to what had been said about the procuring of signatures to petitions in the City, he could tell the hon. Gentleman that leading mercantile parties in the City were not to be influenced to sign a petition against the Colonial Department of the Government, without being thoroughly convinced of the truth of the matter to which they pledged themselves. If the hon. Gentleman supposed that the Colonial Office stood well with the country, he was not a little mistaken; for he could tell the hon. Gentleman that it was reprobated by the whole country—it was considered to be the plague and nuisance of the Empire, and he believed that the hon. Gentleman and the noble Lord at the head of that Department were the only two individuals in the land who regarded it any other light.

Sir *R. Inglis* said, he would wish to test the propositions of the hon. Member who had just sat down by a vote of that House; and if the hon. Gentleman, instead of bringing forward a Motion for the production of Papers on which there would be no division, would move a substantive Resolution respecting the conduct of the noble Lord, or for the production of some Papers to which the New Zealand Company were not entitled, they would then have an opportunity of ascertaining how far the hon. Gentleman's proposition was correct. He thought they should have some proposition submitted to them on this subject, on which no discussion had as yet taken place; and an opportunity for discussion would not be afforded to them, either by the Motion of the hon. Member for Liskeard, or that of the hon. Gentleman the Under Secretary of the Colonies. If they had such a Motion brought before them, they could then have an opportunity of testing the truth of the allegation of the hon. Member who had last addressed them, as to whether the conduct of the Colonial Government was reprobated by every individual in the country except the noble Lord and his representative in that House.

Viscount *Howick* was very much inclined to concur in the opinion expressed by the hon. Member for the University of Oxford, as after all that had passed it was absolutely necessary that the policy pursued by the Colonial Office, and by the Government of New Zealand, should be brought under discussion in some manner by which the sense of the House could be taken respecting it. The hon. Gentleman the Under Secretary of the Colonies would, of course, use his own discretion on the matter, and if he fixed on Tuesday next for that discussion, he would, for one, not make the slightest objection; but he would repeat that the matter ought to be brought forward in some shape or other, and that hon. Members ought, in the first place, to be afforded time for reading the Papers about to be presented to the House on the subject. They ought to have an opportunity, before coming to any decision upon it, of considering the whole of the policy of the Colonial Office with regard to New Zealand, and be thus enabled to arrive at some decisive result. After the recent discussion, and the proceedings of last year on the question, he considered the House bound to come to some decision, and not to leave the subject in its present most unsatisfactory state.

Sir *Robert Peel* said, after the discussion which had taken place on Tuesday last, it was natural that there should be, on the part of his noble Friend the Secretary for the Colonies, and of his Colleagues, an earnest desire that the sense of the House should be taken in some form or other on the policy pursued by the Colonial Office with regard to the New Zealand Company; and if any doubts were entertained by the hon. Gentleman on the subject before that evening, he thought they must be effectually removed by the expressions which had fallen from the hon. Gentleman opposite (Mr. Mangles). He believed that hon. Gentleman was a Member of the New Zealand Company, and upon the authority of the knowledge which he thus acquired he had declared it as his opinion that the Colonial Office, over which his noble Friend presided, was viewed by the commercial interests of the country as being at best but a nuisance. He thought the hon. Gentleman, after making such a declaration, was under an obligation to bring forward some proposition of the kind, speaking, as he did, on the part of the Company, and as a Member of the House. He was well aware that no hon. Gentleman could be compelled to bring forward any Motion with regard to the general policy of any branch of the Executive Government. That was a matter which was left entirely to their own discretion. The House had been left in doubt, on the former evening, as to the existence of any intention on the part of hon. Gentlemen connected with the Company to bring forward any distinct charge against the policy of the Colonial Office. He thought the hon. Gentleman who had seconded the Motion on that occasion (Mr. Aglionby) had told him that such a Motion might be made, but he gave no distinct pledge upon the subject. Whenever that question did come forward—if it were to be brought before them at all—then he concurred with his hon. Friend (Sir R. Inglis), it would be a proper time to call upon the House to express their opinion distinctly regarding it. But, quite apart from the question of the general policy of the Colonial Office, there was also another matter to be considered. A distinct charge had been brought against his noble Friend, implying want of good faith on his part in his dealings with the New Zealand Company. That charge had been brought forward towards the close of the recent debate, and, he believed, after both he and his hon. Friend the Under Secretary for the Colonies had addressed this House. His noble Friend was most anxious that the House should not separate for the recess without giving him a distinct opportunity of explaining his conduct, and, by reference to documents, showing, as distinctly as it was possible to be shown, that there was no ground for that accusation against him. His hon. Friend the Under Secretary for the Colonies, as the representative in that House of his noble Friend, was most anxious to enter as soon as possible, not into the discussion of the general policy of the Colonial Office, but into the charge against his noble Friend of want of good faith; and both he and his noble Friend were unwilling that the House should separate without hearing the explanation which he had to offer.

Mr. *Aglionby* expressed his gratification at what had fallen from the right hon. Baronet the First Lord of the Treasury. The right hon. Baronet had treated the subject, as was to be expected from him, in a fair spirit; for when any hon. Gentleman had a charge made against him, either in his private character, or in his public or official capacity, it was but just that the earliest opportunity should be afforded to him of explaining those charges away. But he thought he had some right to complain of the hon. Gentleman the Under Secretary for the Colonies for bringing forward such a question on that evening, without giving any intimation to him or to any of the hon. Gentlemen connected with the New Zealand Company of his intention of doing so. [Mr. *G. W. Hope:* I have given such an intimation]. [Mr. *Mangles:* The hon. Member mentioned the matter to me five minutes ago, behind the Speaker's chair]. An intimation given only five minutes before the hon. Member brought the matter forward was scarcely sufficient notice to him or his hon. Friends. Was that intimation consistent with Parliamentary usage, or with the general courtesy which hon. Gentlemen were in the habit of extending towards each other on such occasions? The hon. Gentleman the Under Secretary for the Colonies intimated that he would immediately bring forward the whole question of the New Zealand Company against the Colonial Office; but the right hon. Baronet had taken a much narrower ground, and had expressed his intention of merely seeking an inquiry into the charges affecting the character of the noble Lord. The right hon. Baronet had distinctly recollected the expressions which he (Mr. Aglionby) had used on a former evening. He had not, at the time, expected that the debate would have taken the somewhat angry form of discussion which it afterwards assumed, and he accordingly spoke merely of the probability of the question being brought before the House as a *dernier ressort*, in case the Company failed to get justice done to them by the Government. For many weeks past a petition had been in preparation by the Company; but in consequence of hon. Members being obliged to attend daily to business in that House from twelve o'clock at noon to twelve o'clock at night, he and other hon. Gentleman connected with the Company had been unable to bear their proper share of the burden of preparing it. It was a matter requiring much consideration to frame the petition in a proper way, so as to bring their case fully and clearly before the House, and accordingly it had been modelled and re-modelled, but at the same time with an anxious desire of having it ready to present to the House at as early a period as possible. He had made inquiries on the preceding day on the subject, and he was informed that the petition was not yet in a state for presentation, and doubts were even entertained whether it could be brought forward before Easter. But until that petition was presented, and the substance of the voluminous blue book on the Table of the House on the subject was arranged in a somewhat intelligible and condensed form, it was impossible that the Company could be dragged into a discussion. It was to be supposed that there would be a feeling abroad against the Company, and in favour of the Government, in such a case, which could only be met on the part of the Company, by strongly putting forward their grievances in a petition. Though he had used the word "might," in speaking of the question being brought before the House, he did not mean by it to imply the strong wish of the Company to bring forward their case if the justice of their demands were not longer opposed. He did believe that the intervention of the House might be dispensed with, and that the Government, and the right hon. Baronet opposite in particular, would yield them the justice which they required. With regard to the other part of the question, he might observe, that he was extremely glad that Tuesday had been fixed for bringing it on, and he had not the slightest objection to state at present what the charges were which he would then urge against the noble Lord the Secretary for the Colonies. He would, if it were thought better, write to the noble Lord on the subject, and thus inform him of these charges in private; but he thought it only just to many hon. Members, who would wish to take a part in the debate, to bring them forward publicly. In the debate the other evening much difference of opinion was expressed with regard to the use of the words "agreement" and "instructions"—the hon. Member for Liskeard being opposed to the latter term, and the hon. Gentleman the Under Secretary for the Colonies having an equal objection to the former. There was also on that occasion a debate about the word "promises." But what were the facts? After many long negotiations on the part of the New Zealand Company with the Colonial Office, the hostile letter that had been sent by the Company was agreed to be withdrawn. It was then agreed, after many discussions on the matter, and at the suggestion of Lord Stanley, that the New Zealand Company should make out a proposal setting forth the whole of their terms and demands: but instead of their sending it in officially, Lord Stanley required that the draft only of the document should, in the first place, be transmitted to him, when he would express his assent or dissent on each item. The document was thus examined; and the several heads of it decided upon, either by Lord Stanley or by others in his Office; and after the alterations thus suggested were finally disposed of and agreed to by the Company, was not the document one, he would ask, to which he had a right to apply the term "agreement?" The next step taken was to give instructions to Captain Fitzroy, and the letter of the 12th of May, 1844, from Mr. Hope to that gallant officer was accordingly written. He had been often in company with Captain Fitzroy, both in the presence of Mr. Hope, at the Colonial Office, and on other occasions, and he never had the slightest intimation given to him that any letter had been written to Captain Fitzroy from the Colonial Office, except that letter of the 12th of May. During the entire of the negotiations between the Colonial Office and the Company, and while every paragraph in that letter had been discussed and commented upon, there had not been the slightest intimation given to the Company that any other letter was in existence. If he had known of other instructions having been given to Captain Fitzroy, which were kept secret from the Company, he for one would have thrown up the entire negotiation at once.

Sir *Robert Peel* observed, that the hon. Gentleman ought, perhaps, merely to state his facts for the present, without reasoning upon them at the same time.

Mr. *Aglionby* said, he would act upon the suggestion thrown out by the right hon. Baronet, and confine himself strictly to a statement of the facts. He was about to observe, that during all his interviews with Captain Fitzroy, that gallant Officer had another letter in his pocket from the Colonial Office, besides the letter of the 12th of May, though he and the Company never heard a word about it. Lord Stanley received a letter from Captain Fitzroy, after the issue of the letter of May, stating the doubts that had been raised, and that had occurred to himself, about the instructions which he received in May; and to that letter a second letter, containing further instructions, had been sent from the Colonial Office. His complaint of Lord Stanley was, that this second letter should have been kept a secret from the Company. In the month of December — six months after Captain Fitzroy had sailed for New Zealand— the Company, on application to the Colonial Office, received copies of Captain Fitzroy's letter and of Lord Stanley's answer. His attention was not called to these letters until the subsequent June, or twelve months after Captain Fitzroy had sailed, and then it was remarked that Lord Stanley's letter had been marked confidential. But, said the Under Secretary for the Colonies, there was nothing in Lord Stanley's second letter that was inconsistent with his first letter. He would enter into that part of the case on Tuesday; but for the present he would only observe, that even if there were no inconsistency between the two letters, that was no reason whatever why the second letter should have been kept a secret from the Company.

Mr. *Hutt* reminded the Under Secretary for the Colonies, that the noble Lord the Member for Bath (Lord Duncan) had given notice of an important Motion on the subject of the window-tax for Tuesday evening, and there were also some other Notices fixed for the same evening. Was it intended to bring on the debate about New Zealand on that evening or not?

Mr. *Hume* said, it appeared to him that they ought to separate distinctly the personal charge against Lord Stanley from the general charge against the Colonial Department. As it was clearly most desirable that the first of these matters should be disposed of with as little delay as possible, he would beg to suggest to the right hon. Baronet the propriety of taking one of the Government days fr bringing it forward, and of having it fixed for Monday next.

Sir *Robert Peel* said, he trusted the Government would not be pressed to adopt such a course, at a time when there was so great a necessity for bringing on the

Sugar Duties and the alterations in the Tariff with as little delay as possible.

Mr. *Hume* said, his only wish was to have some definite time fixed on for bringing the matter forward.

Lord *John Russell* said, he entirely agreed with the hon. Member for Montrose (Mr. Hume), that whenever these subjects were brought before the House, an effort should be made to keep the charge against the noble Lord the Secretary for the Colonies, and the question of the policy of the Colonial Government, entirely distinct. He for one should wish that the charge made against the noble Lord of breach of faith should be at once entered into, and that every explanation which could be given upon it should be heard; and the result he had no doubt would be—as had been anticipated by the hon. Member for the University of Oxford—a large majority in favour of the noble Lord. Of that he could have no doubt: but there was another question remaining of a most important kind, which the House should not overlook—a question which was not merely confined to the character, or to the folly, or to the immediate interest of the Administration. It was the question of the government of that important Colony. For his part, he believed if the islands of New Zealand were properly colonized and cultivated, and rightly governed, they were destined to have great weight in the future condition of that part of the world. He believed that the 18,000 or 20,000 Englishmen who inhabited that Colony were destined to exercise a powerful influence in the future government of the greater part of that hemisphere. He thought, therefore, that they ought as much as possible to separate the consideration of that great question from all mere personal matters. For his part, he could not at present form an opinion as to whether the New Zealand Company were right in making any charge against the noble Lord, or whether the noble Lord were right in the course which he had taken in opposing their views; but of this he felt quite convinced, that the tone adopted by the noble Lord in writing to the Company, and the tone used by the Company in their replies, were of far too angry a character to be taken in negotiations between the Government of the country and a public Company. If the differences between the noble Lord and the New Zealand Company were to be discussed in that House in the same spirit in which the letters between them had been written, then he would say that it was most important to keep the debate on that matter quite distinct from the general Motion on the condition and government of the Colony. The first subject could be made a separate discussion, and at some other day and time the House could consider in a calmer mood the instructions which had been given by the noble Lord for the guidance of Captain Fitzroy as Governor of New Zealand; and secondly, whether the conduct of that Governor had tended to promote harmony, and had conduced to the welfare of the Colony. Without offering any opinion as to the propriety of bringing forward the subject before the House, he hoped he would be permitted to put in a word on the part of the public, and to express a hope in their name that the House would take immediate steps for rescuing that important Colony from the distress and misfortune in which it was at present plunged. If, in any discussion on that latter subject, it should appear that he was himself liable to blame for acts done under a former Administration, he was quite willing to bear his part of the reprobation of the House, provided they adopted measures for ensuring a better system in future.

Mr. *G. W. Hope* wished to explain that he did not observe the Notice of the hon. Member for Liskeard on the Book until late in the day, and he had afterwards no opportunity of stating his intentions to any of the hon. Gentlemen who had taken a part in the recent debate until coming down to the House, when he mentioned the matter to the hon. Member for Guildford. Having perceived that the Motions of the right hon. Gentleman the Member for Dungarvon (Mr. Sheil), and of the hon. Member for Sheffield (Mr. Ward), which had been fixed for Tuesday, were postponed until after Easter, he had come to the conclusion, that he could more readily bring the subject forward on that evening than on any other day before the recess, and he trusted that he would be enabled to do so when the time arrived.

Subject at an end.

GREECE.] Mr. *Cochrane* begged to ask the right hon. Baronet the First Lord of the Treasury, whether the English Government had made any representation, or were about to make any representation, to the French Government relative to the conduct of M. Piscatory, the French Ambassador, respecting the dismissal of General Church from the service of the King of Greece? The present condition of that country attracted very considerable interest; and the recent occurrences there were such as to call for prompt and particular inquiry. M. Guizot had very often latterly made observations about the *entente cordiale* existing between France and this country; but certainly the conduct of the Representative of France in Greece was very far from exhibiting that friendly feeling. He had been in Greece last year, and he could state to the House that the conduct of the French Minister was denounced by every person in that country as shameful and disgraceful. He would also inquire whether any steps were to be taken about the payment of the Greek loan?

Sir *Robert Peel* was not at all surprised at the interest which his hon. Friend had shown on all matters connected with the destiny of Greece. He believed his hon. Friend had the advantages arising from a personal knowledge of that country in discussing any questions connected with it, and he showed a praiseworthy desire that Greece should furnish an example to the world of a popular Government coexistent with liberal institutions. He believed his hon. Friend had been influenced throughout by the sincerest desire to promote the interests of that country. As to Sir Edmund Lyons, he might say that in some recent discussions in that House, observations had been made about the incapacity of naval officers in conducting civil affairs; but that gallant gentleman was an example that affairs of great importance connected with a great country might with safety be committed to the hands of a naval officer. The opinion of Government, therefore, with respect to Sir Edmund Lyons remained entirely unchanged. With regard to M. Piscatory, the hon. Gentleman would, he hoped, excuse him if he declined making any public reference, as a Minister of Her Majesty's Government, to the conduct of the Representative of another Power. In respect to General Church, he should own that he entirely concurred with the hon. Gentleman in his expression of deep regret at the removal of a man from his office under the King, in a country to the interest of which he had devoted all the best energies of his life for a period of twenty years. How the Government of Greece could be insensible to the claims of that gallant and distinguished officer, was to him a matter of the strangest mystery. With respect to the immediate relations between this country and Greece, respecting their guarantee, in conjunction with France and Russia, for the payment of the Greek loan, he could assure his hon. Friend that it was a subject which he had not lost sight of, and he trusted that Greece would be able to bear the burden of her own debt. He was sure that the House would excuse him if he forbore expressing any opinion as to the constitutional character of a Foreign Government, or as to the domestic acts of that Government. He had his own opinion as to the changes which had taken place; but he was bound to respect the acts of a Foreign Government, and therefore he would refrain from expressing any opinion.

MONEY BILLS—ORDER OF PROCEEDING.] On the question that the Speaker leave the Chair for the House to go into a Committee on the Sugar Duties Bill,

Sir *W. Clay* said, that in the absence of his hon. Friend the Member for Greenock, the task devolved upon him to bring forward a Motion on the subject of compensation to sugar refiners for the sugar now in process of refining. He understood that some difficulty arose as to the form of proceeding, in consequence of the manner in which the Notice had been given. He was anxious to ask the Chair whether it was competent for him, after the Motion of his hon. Friend the Member for Lambeth had been disposed of, to bring the question of a drawback forward, under the shape of an instruction to the Committee, or whether he could bring forward his Motion in the Committee?

Mr. *Speaker* said, that as the Notice stood on the Paper, the Motion of the hon. Member was intended to be made on the Question that the Speaker leave the Chair; but the hon. Member for Lambeth had a prior Notice on the Paper, and when that was disposed of, it would not be competent for the hon. Member to propose a second Amendment on the same Question. He apprehended also that the Motion could not be brought forward in the Committee on the Bill without a previous instruction, which instruction would not be regular unless after a resolution to the same effect had been agreed to in a Committee of the whole House.

The *Chancellor of the Exchequer* expressed his wish to give every facility to afford the hon. Member the opportunity to take the sense of the House on the question.

Mr. *Hume* had intended to have brought the subject forward when the House was in Committee of Ways and Means; but he had been requested by the right hon. Gentleman not to do so at that stage, as it was most desirable to pass the Resolutions without delay. The right hon. Gentleman had promised that facilities should be afforded for bringing it forward on a future day. It would be most unfair to the parties to prevent their case being heard, as it was evident that the impediment had been occasioned by a misunderstanding.

Sir *R. Peel* considered that it was of the utmost importance in proceedings on Bills, and above all on Money Bills, to adhere as strictly as possible to the rules of the House. There were undoubtedly circumstances in this case which might offer some ground for departing from the rule; but the evil would be, if they once admitted an irregularity, that when the circumstance which gave rise to it was forgotten, it would be established as a precedent. He could, however, assure the hon. Member that the Government would not throw any impediment in his way in bringing forward the Motion. Suppose that when the Bill had passed through Committee and the House resumed, the Motion was made *pro formâ*, that the Bill be recommitted, then the hon. Member could bring forward his Motion; or the same course could be adopted on a future day when the Motion for bringing up the Report was proposed.

Mr. *F. Baring* observed, that this was a very important question, and it was most desirable that it should be settled at once. He thought that the best course would be for his hon. Friend to make his Motion on the Question that the Bill be re-committed. He was not quite sure that because the Resolutions had been agreed to in the Committee of Ways and Means, as to the reduction on the duties, that they would not introduce arrangements to carry out the object of the Resolutions, both as regarded the duty and the drawback.

Mr. *Bernal* thought that it was desirable that the question should be at once decided. On the first glance of the Motion of his hon. Friend, it would appear as if his proposition involved the imposition of a burden on the public in the shape of the drawback; and if that was the case, it was clear that it must originate in a Committee of Ways and Means. He did not say that this was the case, but it certainly appeared so on the face of the Resolutions. He was sure that there was no wish to evade the question; therefore it would be better at once to determine what step should be taken.

Mr. *Hume* suggested that the subject should be recommitted to the Committee of Ways and Means. He trusted that, in consequence of merely a technical objection, they would not be prevented from bringing the subject forward.

The *Chancellor of the Exchequer* had no wish to let technical objections stand in the way of the Motion; but it was a matter of considerable importance that they did not establish a precedent which would give rise to serious evils. The right hon. Member for Portsmouth observed that he thought in Committee on this Bill they might make arrangements as to the levying the duty, and also as to the drawback. It should be remembered that the Sugar Bill was an annual Bill, and that it enacted specific duties for a limited period. They had already adopted in the Committee of Ways and Means the Resolution as to the amount of duty, and they had made an estimate of the sum that would be received. Would not a clause introduced in the Committee on the Bill, involving the question of drawback, imply the making a payment out of the amount of duty to be received under the Bill. If this were the case it was clear that it could not be introduced in Committee on the Bill.

Mr. *F. Baring* could not help feeling strongly the hardship of the case. As he understood his hon. Friend the Member for Rochester, they could not now give the drawback, because it involved a charge on the public. He did not think that this could be a rule, as he could not conceive how a drawback could be regarded as a tax on the country.

Sir *R. Peel* thought that the best arrangement that could be adopted, and that which was most in conformity with the rules of the House, was to allow the Bill to pass through Committee, and that on the House resuming, a Motion be made for the recommitment of the Bill, and the discussion be taken on that Motion.

With this understanding the subject was dropped.

SUGAR DUTIES—DRAWBACK ON SUGAR IN BOND.] On the question being again put, that the Speaker leave the Chair,

Mr. *Hawes* said, that his object in rising was to move that provision be made in the Bill for the drawback of the amount of duty reduced on such duty-paid sugar as now remained in the Queen's warehouses. This was not a question which involved fraud or collusion, which other cases of drawback might do. The case was not one of great public interest, but that of private parties, who would be affected in consequence of the measure now before the House having been brought forward under peculiar circumstances. It was the case of individuals residing in London, Liverpool, and other places, who might suffer in consequence of Her Majesty's Government having proposed an alteration in the Sugar Duties. He trusted that the House would agree to his proposition, as the alteration was made most unexpectedly, and at an unusually early period of the year. He asked for a remission of duty paid on all sugar yet in a bonded warehouse. In nearly all cases where goods were in a bonded warehouse the duty had not been paid; but according to the usage of the sugar trade it was customary to keep sugar in these warehouses after the duty was paid, and the Crown, or the officers of the Crown, had the complete control over the goods. If the amount in question was small, the parties whom he represented would not urge the House of Commons in this matter, or wish to obstruct a measure of this kind, as it affected their private views. He felt that he should be justified in stating this, when he had informed the House of the amount in question. The parties whom he represented were six of the principal wholesale sugar dealers in London; and they stated in the petition which he had presented, the quantity of sugar they had locked up in the Queen's warehouses, the duty on which had been paid, and on which they now prayed a drawback. It appeared that the house of Conway, Phelps, and Co., had 10,000 cwt. of sugar so circumstanced; North and Co., 3,750 cwt.; Stubbs and Co., 3,000 cwt., and the other houses about 3,000 cwt. more—making altogether nearly 1,000 tons of sugar. At Liverpool and other places there were about 590 tons. The whole amount of duty that would be affected by acceding to this drawback was about 6,000*l.* The House would see that this involved a loss on individuals which they ought not to be called upon to bear. He would give instances where, under similar circumstances, a drawback had been allowed on sugar. This was the case in 1830, when the right hon. Gentlemen then filled the office which he now held. Again, in the proposed reduction of duties in the present Budget, it was proposed to allow a drawback to the glass manufacturer to the amount of 75 per cent. In 1843 also, when an alteration was anticipated in the wine duties, the right hon. Gentleman intimated, in answer to a memorial from the wine merchants, that in case of such an event a drawback would be allowed for the stocks in hand. No such reduction of duty then took place; but there were other cases with regard to the wine trade in which this had really been done. Thus, it appeared that drawbacks had been allowed in cases where there was nothing like the same security against fraud and collusion as there was in this case, for the sugar was exactly on the same spot as before the duty was paid. The hon. Member concluded by moving as an Amendment,—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'provision be made in the Bill for the Drawback of the amount of the Duty reduced on such Duty-paid Sugar as now remains in the Queen's warehouse, instead thereof.'"

The *Chancellor of the Exchequer* agreed with the hon. Gentleman that this ought not to be considered as a party question. The settlement of these questions involved considerable difficulty, seriously affecting, as they did, the interests of individuals; and if he felt bound to adhere on this occasion to what he considered the best for the public interest, he could assure the hon. Member that it was not for want of considering the situation of those who might be sufferers by the change of the law. But he was impressed with the feeling that, if he attempted to relieve them, he might inflict a still more serious injury upon others who were in the same trade. The hon. Gentleman had presented a petition from six wholesale dealers in sugar, complaining that, having paid the high duty on sugar, and left it in the Queen's warehouse, they ought to receive back the difference between the duty they had paid and that which was about to be imposed. Now, in the first place, he would call the attention of the House to the fact that these six petitioners formed but a small proportion of the trade. There were in the metropolis fifty-two wholesale dealers in that commodity; and many of them had stocks of sugar equal to the petitioners, which they had transferred from the Government warehouses to their own, and therefore, so far as their pecuniary interests were concerned, they were equal sufferers with the petitioners. If he remitted the duties in the one case, he should inflict an injury upon parties who were in a different situation. For it was obvious that if two parties had equal stocks of sugar, the one in the Queen's warehouse, the other in his own, if the Government were to give the drawback to the one and refuse it to the other, they would give the one man a great advantage in his future commercial pursuits which they denied to his competitor. The hon. Gentleman had urged as one argument for the conceding of the drawback, that these parties were taken by surprise. Now he thought that there never was a time when parties could be less taken by surprise than on the present occasion. It was impossible that any man could attend to the discussions of last Session, and not imagine that a considerable alteration in the Sugar Duties would accompany the renewal of the Income Tax. So much was this the general opinion that the retail dealers had purposely kept the amount of their stock low, in order to prepare for the change. Then it was said that the change had taken place earlier than was expected. Now he thought that, as it was well known the Income Tax was meant to be renewed, any man who knew that the tax expired on the 5th of April, would know that the Sugar Duties, which were to be considered contemporaneously with the Income Tax, must come under consideration early in the Session. And, further, a memorial had been presented from the merchants, shipowners, refiners, and grocers in the metropolis, praying that the measures to be taken with regard to the Sugar Duties might be announced early in the Session, and that they might come into speedy operation; and among the memorialists was one of the gentlemen who had signed the present petition. But, said the hon. Gentleman, the petitioners would not have objected to the change, if it had been intended as a final settlement, or settled on a satisfactory basis. Now there was nothing in the fact that the Sugar Duties were granted for one year, instead of being placed among the general Customs of the country, to be continued till Parliament should otherwise determine, that ought to alarm the wholesale dealers; and as to these duties being placed on a satisfactory basis, the Government hoped, that, by the reduction of the duties, and the consequent reduction in price, there would be a greatly increased consumption throughout the country; and he trusted that the prosperity of the trade would so increase as to make up to them for their present loss. But the great argument on which the hon. Gentleman grounded his claim for these parties, was on the score of precedent; and he had particularly referred to the drawback on sugar of which he (the Chancellor of the Exchequer) was the author several years ago. On that occasion there was an alteration of the Sugar Duties, and he had given the holders of stock a drawback of three per cent.; and he must say that the effect of the measure was to give considerable dissatisfaction. The general rule was, that on the Customs' Duties being reduced, no claim was allowed for the difference in the duties; when the duty was increased, no claim was made for the greater amount of duty on the stock in hand: and when the duty was reduced, no claim was admitted for the drawback. With respect to the Excise Duties, the rule was different; and for this obvious reason, that the excisable manufactures were carried on under the eye of the Government Officers, and the duty was charged at a very early stage in the process of manufacture. This was the reason why they allowed a drawback on glass; and for this further reason, that, when the duty was increased, the higher rate was charged on the stock in hand. But the hon. Gentleman had relied a great deal on the course pursued with regard to wine, and had referred to the drawback allowed on the reduction of duties in 1787. But at that period the wine was charged under the head of Excisable duties; and though at the reduction of duties in 1825 the wine trade had been transferred to the Customs' department, yet the Excise surveys and permits operated at the time, and they still came under the category of the Excise. So it was in 1831, when Lord Althorp reduced the duty on one kind of wine, and increased it on another; he took the increased duty on all the stock in hand which was liable to it, and gave the drawback on all the stock in hand which was entitled to that advantage. But this was never the case with regard to the Sugar Duties. He admitted that he had deviated from the rule on the occasion to which he formerly referred; but his experience on that occasion gave him no desire to repeat it. Under all these circumstances, he felt bound to state that he could not accede to the Motion.

Mr. *Labouchere* fully concurred with the general rule which the right hon. Gentleman the Chancellor of the Exchequer had laid down, that in ordinary circumstances drawbacks ought not to be granted. But the question which the House had to take into its consideration was this —whether or not there existed any peculiar circumstances in this case which would afford a fair ground for departing from the general rule; and, for his part, he must say that, having looked into the question with every disposition to take the line which the right hon. Gentleman had recommended, and fully impressed with the danger of departing from a rule which, in the main, was sound and proper, he still had come to the conclusion that the present was a case in which he did not think the House would act justly unless they made some reasonable arrangement which would mitigate the hardships of which the petitioners complained. What were the peculiarities of this case? He believed that the Government had pursued a course with regard to the dealers in sugar which was unprecedented in the commercial legislation of this country. Last year they had passed an Act altering the Sugar Duties, and enacting that the new duties should continue till the 5th of July, " and no longer;" and they now disturbed the arrangements on which dealers had a right to rely, and, three months before the expiration of the Act, they had passed another law subjecting the Sugar Duties to another alteration. He did not complain of the Government for having taken this course; he believed that it was rendered absolutely necessary. But by whom was that necessity created? Why, by the Government itself. In the memorial to which the right hon. Gentleman had referred, there occurred this remarkable expression: " That the measure of last season had disturbed not settled the question." He had taken the liberty of saying at the time what he felt equally strongly now, that it was most desirable for all interests that the question should have been settled last year rather than now. And he might observe that the relief which the right hon. Gentleman had given to the retail grocer by postponing the operation of the duties, had aggravated the embarrassments of the wholesale dealer; for, in point of fact, there had been, during the whole of the interval, a complete paralysis in the trade, so that the wholesale merchant could not dispose of his stock at all. But the right hon. Gentleman said, that if he gave this boon to the petitioners, he would put them in a more favourable situation than their competitors who had removed their stock from the Queen's warehouses. He did not think that was an argument at all, because the Bill had been brought forward at a period of the Session when it was all a matter of haphazard whom it hit, depending entirely upon the stock of sugar parties might have on hand. When he saw that means could be taken without the possibility of fraud of relieving a respectable body of men, he thought it was the duty of the House to take the means which were necessary for the alleviation of the evils caused by their own legislation. It was a very hard case for individuals to be mulcted by an Act of Parliament. From a statement put forth by the wholesale grocers of Liverpool, it appeared that four houses in Liverpool had five hundred and fifty tons of sugar in the Government warehouses, on which they had paid duty to the amount of 6,000*l.* This was to the parties concerned a serious calamity — brought upon them—(he did not mean to renew former discussions)—but brought upon them, as all must acknowledge, by the most unprecedented and extraordinary course of legislation which had been pursued with regard to the Sugar Duties, subverting the arrangement which had been made last year, and after enacting that the duties should last for one year, and no longer, declaring now that they should last for only nine months. He was glad that his hon. Friend had separated this question from the case of the sugar refiners. That was an important question, on which he would not at present give an opinion. But in the peculiar case now before them, it was impossible to allege that it afforded the slightest opportunity for fraud, as the whole of the sugar on which a drawback was sought was at this moment under the Queen's Lock. He entirely agreed with the general principle laid down by the right hon. Gentleman respecting drawbacks; but, in the present instance, he was of opinion that a case had been established for relief—a case which could not be drawn into a precedent, or which would break down that rule—because the Government had converted the Annual Act into a period of nine months only. He therefore, concurred with the Motion.

Sir *H. Douglas* said, it was his intention to vote for the Motion of the hon. Member for Lambeth, because it was one deeply interesting to his constituents. He had presented a memorial signed by one hundred firms in the sugar trade, and, though much had been made of another memorial on the same subject, he was in a position to say that not a single wholesale grocer or sugar refiner in Liverpool had signed it. All these gentlemen were under the impression that the Act of last year would be suffered to expire, even in case there had been an alteration in the Sugar Duties; and, therefore, they were taken quite unawares by the proposal of the Government. The result of his own intimate and thorough conviction was, that the case of the memoralists as brought before the House by the hon. Member for Lambeth, was founded on equity, and should therefore have his support. He regretted the absence from illness of his noble Colleague, as he had no doubt that his voice and his vote would be also given for the Motion.

Mr. *Aglionby* said, that considerable anxiety was felt in the country among retail dealers on the subject. The right hon. Gentleman the Chancellor of the Exchequer had said that if they extended their indulgence to sugar in the Queen's warehouse, why not also extend it to sugar out of the Queen's warehouse? That might be received as an answer to the arguments of the right hon. Gentleman (Mr. Labouchere); but his point was, that the same indulgence should be extended to others who had taken their sugar out of the Queen's warehouses, having paid the duty. By the proposition now before the House they would give all the benefit to the capitalists and extensive dealers, who could afford to purchase large stocks and let them remain in the Queen's warehouse; while no benefit would be conferred on the less extensive dealer, who might find himself necessitated to take his sugar from the Queen's to his own warehouse. That seemed to him a great hardship, particularly as parties purchasing stocks had done so in the belief that no alteration would be made in the law for twelve months.

Mr. *Cardwell* said, it was quite impossible in reductions of taxation to reimburse everybody that unfortunately suffered. That being the case, it would be unjust to all the others if one were to be made the exception. That general rule had been admitted by the right hon. Gentleman opposite. The parties who had kept their sugar in bonded warehouses had had, under all the circumstances, a longer notice than was usually given when a reduction of duty was contemplated. The House had been told, in corroboration of that fact, that several retail stocks had been kept low; and the arrangement of last year, which was termed by some hon. Members a disturbance of the trade, was in itself an intimation of subsequent settlement. That being the case, the question arose whether or no the subject before the House was one which could fairly claim exception from the general rule. If, however, the principle was admitted as regarded the Motion under discussion, in what consisted the difference between the wholesale grocer who kept his stock in bond, and the retail grocer who took his stock out of the Queen's stores? In principle there was no difference whatever. If the first exception was admitted, the second should be admitted also; and so the House would go on, from shade to shade in the matter, until it became impossible to draw a line of distinction between the exception and the rule, or say when one should end and the other begin. That would give rise to the greatest uncertainty in practice; and the multiplication of precedents established by it would lead to far graver acts than was anticipated. The case of the hon. Member who last spoke might be pressed as strongly as that of the hon. Member for Lambeth, if once the principle of exception was admitted; and, therefore, although the necessity for adhering to the settled rule in cases where hardship existed was to be regretted, it was also inevitable. He should therefore oppose the Motion.

Mr. *F. Baring* said, that the principle now sought to be maintained so stringently had been violated by the right hon. Gentleman opposite in 1842, in respect to the wine trade. If no drawback were to be allowed in any case, then, although it might be a hardship upon individuals, it would be equal upon all parties; but what the right hon. Gentleman did on that occasion with respect to wine, was a sufficient answer to the arguments of the Chancellor of the Exchequer and the speech of the hon. Secretary for the Treasury. The Chancellor of the Exchequer and the hon. Gentleman said, as they could not give relief to every body, they would give it to no one; but the right hon. Gentleman acted differently in 1842, for he granted a drawback on wine bottled by the great merchants, though he refused to give it to the small dealers. And upon that occasion the right hon. Gentleman justified the course he took by urging that if he had inflicted a hardship upon one party, that was no reason why he should inflict it on another, and declining to be bound by any general rule in particular cases. But, if a drawback was to be given to wine, why should it be refused to sugar? The next question to be considered was, whether the case was a special case or not? That it was a special case he contended; for there was no other which had such an Act of Parliament to govern it as sugar. The hon. Gentleman had asserted that the parties in the trade had received sufficient notice; but his reply to that assertion was, the Act which imposed the duties remained in force until the 5th of July. But it had been said that a memorial from the trade had been addressed to the Government, praying that the question might be dealt with as soon as possible. But were all other parties to be held as bound by that memorial—those parties who had not petitioned on the subject? What was the fact with respect to that memorial? In the course of years it so happened that the trade was in a state of great uncertainty, and they were anxious that the Government should relieve them from that uncertainty, and they accordingly addressed that memorial to the right hon. Gentleman and his Colleagues. He must say he thought the right hon. Gentleman attached too much importance to the words of that memorial. Those parties had already a hardship to complain of, and that hardship was now made use of to justify the infliction of a still greater hardship. That should serve as a warning to parties against coming in the character of memorialists to the Treasury. If their arguments were to be used against them in that way, it would put an end to merchants addressing memorials to the Treasury. But in this case it should be remembered that there was this difference to distinguish it from other cases of the kind, that there was a total absence of any chance of fraud. They allowed the drawback to the wine trade, and why not also allow it to the sugar trade, when there was no ground to apprehend fraud? He had no wish that the parties who had paid the duty should absolutely receive it back again, but should be allowed such a portion of it as it might appear they were fairly entitled to. It was a case in which the Government ought to soften the hardships peculiar to it, as far as they possibly could. They had infringed the general rule respecting Customs' duties in the case of glass and wine; and he could not see on what principle of justice they now refused to extend the same indulgence to those parties.

Sir *G. Clerk* said, that hon. Members were too fond of putting forward cases of individual hardship; but, if the right hon. Gentleman opposite had been still Chancellor of the Exchequer, he believed that he would have acted in the same manner as his right hon. Friend, not alone by resisting the Motion, but by using the same arguments against it. The case of the wine trade, as adduced by the right hon. Gentleman as one in point, was a fact totally different from the case of sugar. In consequence of a treaty being on foot with Portugal, there had been a complete stagnation in the trade in wine, and it became necessary to take out a large portion of the stock in bond for bottling for immediate use. To effect that, the trade was put under an excise survey, and every person in the country holding a ten-guinea license was allowed to bottle wine, receiving at the same time a debenture, with the proviso that a drawback was to be allowed on the stock in trade in case the treaty was concluded. That was only placing the trade on the footing of 1825 and 1831. The uniform practice with regard to the Excise and Customs' duties was this:—When an Excise duty was agreed to, the duty was taken on the whole stock on the very day it was imposed. It was only just, therefore, that any relief should be given on the same principle. The course was different with respect to customable articles. Not one of those who had stocks—of sugar for instance—in the Queen's warehouses at the time of the imposition of the duty, would be charged 1*s.* beyond what they would have previously paid. It was, therefore, only fair that they should have no drawback allowed them on such stock. It was admitted that there would be the greater danger of fraud if the drawback were given on articles taken out of bond; and, consequently, he should not enter into that branch of the question. But as a general proposition, it was the duty of the Government to apply an equal rule of justice in all cases; and not to exempt one to the injury of another when there was a hardship. It was not true, as the right hon. Gentleman had suggested, that the Government had created an anomalous condition of things, by their conduct last year with respect to the Sugar Duties. That there was a further settlement contemplated, was obvious to every one in the trade; and the course of a clever trader would be to reduce his stock to a minimum. He (Sir George Clerk) had been informed that this had been done in most instances; and consequently, even if the Sugar Duties were not repealed until the 5th of July, the dealers would be in no better condition than they were at present. There was nothing therefore in the argument of the right hon. Gentleman the Member for Portsmouth, that the change at this period of the year was a greater hardship than it would be at any other period. Under these circumstances he (Sir George Clerk) hoped the House would concur with the view of his hon. Friend the Chancellor of the Exchequer, and decide that any departure from the practice as laid down by law in such cases would be to establish a dangerous precedent.

Mr. *Hume* hoped the House would not support the Chancellor of the Exchequer in resisting the Motion of his hon. Friend the Member for Lambeth. The mode of proceeding which the Chancellor of the Exchequer proposed in this respect was against law, against all precedent, and against common justice. Why did he say it was against law? Because the law which was now in operation was to have continued in operation until the 5th of July, 1845. The holders of sugar in bonded warehouses, to which the Motion applied, had therefore been taken by surprise by the introduction of this measure so much earlier in the year than they had anticipated. Then, to show it was against precedent, he should merely refer to the rule which had been invariably acted on of allowing relief from loss to those who were affected by changes in duties, when such relief could be afforded without the possibility of encouraging or facilitating fraud. He asked whether the sugar for which a drawback was now requested was not in the same situation as all excise stock? If that were the case, why should not the same justice be done to the holders of that sugar? He had never before to-night heard the doctrine, so little creditable to those who held it, that the Government were not prepared to give such redress in cases where injustice was proved to have been done. The sugar was left in the Queen's warehouse because the purchaser refused to have anything to do with the duty; and the duty was consequently paid by the seller before the sugar was taken out. For the Government to take advantage of that, was sharp practice, creditable neither to the Government, nor the individual Minister. The right hon. Baronet said that it was the duty of the Government, when changes of this kind were made, to make the losses as light as possible. Here was an opportunity of carrying that principle into practice, and he called upon the Government to take advantage of it.

Sir *R. Peel:* Sir, I am sure the House will believe that it was the anxious wish of Her Majesty's Government to effect the necessary commercial changes with as little inconvenience and as little prejudice to the interests of individuals as possible. In effecting such changes all the feelings of the Government naturally incline towards making concessions to those interested in commercial pursuits, if such concessions can be made with a due regard to the public interests. I have received several deputations for the purpose of hearing from them statements having reference to the measure now under the consideration of the House; and I am sure it must have been manifest to the gentlemen who composed those deputations that it was the anxious desire of Her Majesty's Government to effect a great public advantage with the least possible loss to individuals. Every one must regret that any individual should suffer any great pecuniary loss by the carrying out of a great commercial change. The hon. Member for Montrose considered that the Chancellor of the Exchequer, in proposing this measure, has been guilty of "sharp practice." Now, however justified the hon. Member might be in applying such language to pettifogging attorneys, or to parties who tried to cheat their customers, I think such language ought not to be applied to Her Majesty's Government. We are public men, acting on our sense of public duty, and defending as far as we can the measure which, as Her Majesty's Government, we have thought it our duty to submit to Parliament. And we certainly thought that in not proposing to make the return of duty suggested by the hon. Member for Lambeth, we were acting on a general rule, which it was the duty of the Executive Government to maintain. That general rule was laid down in the letter written on the subject by my right hon. Friend the Secretary of the Treasury. The hon. Member for Montrose was wrong in stating that if there had been an increase in the duty, instead of a decrease, that increase would have been charged upon the stock in hand. I do not think that the stock in hand would in such a case have been subjected to an increase of duty, having paid the lower duty. [Mr. *Humphery:* In the case of tea it is so.] In reference to the particular case before us, I cannot deny that it does appear to be the general feeling of the House that in this case, at least, a certain amount of drawback ought to take place. And I must also add, that I believe the late Chancellor of the Exchequer and the late President of the Board of Trade would not have given their support to this proposition except upon the conscientious conviction that this was a special case. When sitting on the other side of the House, I frequently supported the right hon. Gentlemen in their resistance to claims which they did not think consistent with the public interests; and, on the other hand, they have supported me when placed in similar circumstances. And whenever it is found that claims made upon the Government are founded on justice, they receive consideration at our hands. The right hon. Gentleman the late Chancellor of the Exchequer made a proposal to this effect,—not that the total amount of the drawback should be returned to the parties—but, supposing there had been, in consequence of the reduction of duty, a rise in the price of sugar, that circumstance should be taken into consideration, and a drawback allowed to the amount of the loss sustained. I consider that we have done our duty as the Executive Government in bringing forward the measure in the manner in which it was introduced to the House. But I understand it to be the opinion of the House of Commons, who are the guardians of the public money, but not so strict guardians of it as those who occupy the Treasury Bench: I understand it to be the opinion of the House of Commons that this is a special case, and that it does not necessarily lead to any other demand. I clearly understand it to be admitted on all hands that this concession does not involve any principle of further relief. I perceive that the House clearly sees the distinction between the cases of those sugars which were in bond, and the case of those which the general dealer took out of the Queen's warehouses for the purposes of sale. I understand that in this case, also, clear precautionary measures against fraud may be taken. Notwithstanding that there prevails generally a wide distinction between Customs and Excise, yet I cannot but think that the duty now under consideration partakes more of the character of an Excise than it does of a Customs' duty; and so, I think, it should be treated. Upon the whole, then, I am prepared to say, that the Executive Government are disposed to acquiesce in the proposed arrangement, for this amongst other reasons—that it implies no concession to further demands to be made either by the wholesale grocer or the retail dealer, or any other parties who may have placed themselves in circumstances different from those which are contemplated by the present proposition. Seeing the prevailing opinion of the House of Commons, I cannot but think it would be unwise in the Executive Government to oppose themselves to that opinion. But this I wish distinctly to state that what I propose to agree to is, that there should be some provision introduced by which the Treasury would be enabled, not to restore the whole amount of duty that had been paid, but to make such compensation as would be equivalent to the *bonâ fide* loss sustained by the parties concerned. I need not now point out the mode by which that object is to be accomplished; but if the hon. Member for Lambeth agrees to that which I now propose, care shall be taken to introduce a clause sufficient for the purpose. Further, I trust that, acting on the opinion of the House of Commons in making a concession such as this, and in thus doing the utmost justice to individuals, and carrying that principle as far as a due regard to the public interest will permit, I do hope that the House will support us in a resistance to those cases where concession would be unjust to the public.

Lord *J. Russell:* I am very glad to hear the declaration which has just been made by the right hon. Gentleman at the head of Her Majesty's Government. When the Government proposed their arrangement as to stocks on hand, I did not believe they were actuated by any motive whatever that might bear the character of hardship to individuals or to interests. I believed them actuated by no other motive than that stated by the right hon. Gentleman himself (Sir R. Peel)—a sense of public duty. I think the case which has been stated by my right hon. Friend near me (Mr. F. T. Baring) is the case which the right hon. Gentleman (Sir R. Peel) has taken into his consideration; that it is, in fact, an exception to the general rule. And I think it is to be understood as a case worthy of relief, provided, firstly, that it stands solely upon its own peculiar circumstances; and secondly, that in the giving of that relief fraud cannot be committed. Such, then, being the case, I think my hon. Friend the Member for Lambeth cannot do better than at once to leave the matter in the hands of the Government.

Mr. *Humphery* said, there had been a time when, although duties had been paid and were in the King's coffers, they were stopped there, and new duties levied. That had been the case with tea. He was content with the arrangement proposed, if an equitable remuneration was given for losses sustained.

Mr. *Hawes* was willing to leave the matter in the hands of the Government, and he did so with entire and perfect confidence. He accepted the arrangement proposed by the right hon. Gentleman, and would, with the permission of the House, withdraw his Motion. He distinctly recognised the principle which the right hon. Gentleman laid down, and unless any other case came within the same special distinction, and unless fraud were quite impossible, he would join the right hon. Baronet in resisting any demand of the kind.

Mr. *Williams* said, he did not see the justice of the distinction made between parties who had sugars under the Government lock and those who had removed them to their own warehouses, both having equally paid the duty. He hoped an equitable compensation would be made in every case where loss could be proved to have been sustained.

Amendment withdrawn.

The *Chancellor of the Exchequer* said, that after the decision of the House, he doubted whether the hon. Member for the Tower Hamlets would act prudently in pressing the Motion for compensation to sugar refiners. It would be difficult to ascertain the particulars with respect to sugars which had been taken out, and were in process of manufacture; and the principle which applied to sugars in the Queen's warehouse did not apply to the former class.

Sir *William Clay* expressed his readiness to yield to the suggestion of the Chancellor of the Exchequer, on the understanding that it did not close the case of the refiners. They considered their case one of as great pressure as that which had induced the Government to yield to the proposition of his hon. Friend the Member for Lambeth. The sugar refiners were obliged to take out a large quantity, in no case less than five weeks' whole consumption; for their process of manufacture, and the peculiarities of that process, obliged them to continue constantly supplying their stock. Nor had any large exportation taken place, to enable them to save themselves from loss. The Government had yielded in the former case on the ground of the impossibility of fraud; and he could convince them that, in the case of the sugar refiners, there was no posbility of anything of the kind. The proposition which he wished to make was, that the duty should be remitted, not upon an estimate of the stock in the houses of the refiners, but of the sugar upon which they had actually paid duty for a given number of weeks previous to the 14th of March.

The *Chancellor of the Exchequer* said, he would announce on Monday the course which the Government proposed to pursue. The case of the refiners was in many respects essentially different from that of the purchasers of duty-paid sugar in the Queen's warehouse, and he could assure the hon. Gentleman that there had been a large exportation, with great advantage to the refiners.

House in Committee.

On the Clause that "On other refined sugar there shall be charged a duty of 18*s*. 8*d*."—

Mr. *Hume* wished to ask the Chancellor of the Exchequer what objection he had to allow the Colonies the privilege of refining and sending their sugar into this country at the same rate of duty as clayed sugars were chargeable with? There was a protective duty of 2*s*. 4*d*. against the Colonies. He did not see why, considering that there were no excise regulations, and no additional charges on the refiners of this country, that a premium or protection duty of 2*s*. 4*d*. should be conceded them. They should give their Colonies every fair chance of finding a market. What he would propose was this—that after the 14th of March, at the end of two years therefrom, the duty on refined sugar should be the same as the duty on clayed. Not only was it on behalf of the Colonies that he contended that they should have this advantage, but also on behalf of the English public. He then moved, that after the words "eighteen and eightpence" be inserted, "that from and after the 14th of March, 1847, the duty on refined sugar be then reduced to the amount of duty taken on clayed sugar."

The *Chancellor of the Exchequer* said, that he had one objection to it, which was, that the hon. Gentleman had proposed, to a Bill which would expire in 1846, an Amendment which was not to come into operation until 1847. He thought it advisable not to stop the progress of the Bill by pressing the Amendment, and trusted the hon. Gentleman would suffer it to drop.

Amendment withdrawn.

On the Clause respecting the classification of sugar.

Mr. *Hawes* said, that he thought Her Majesty's Government had not sufficiently inquired into the difficulties which would attend the establishment of the principle of classification. The right hon. Gentleman (the Chancellor of the Exchequer) stated the other night the grounds on which he adhered to the principle of classification. In referring to that statement, he was perfectly certain that if he addressed an impartial audience they would record a verdict in his favour, in seeking to expunge from the Bill the words "establishing the system of classification." He would ask the House to consider all the difficulties which would attend the practical operation of these words in the Bill, and he would take the sense of the House upon them. The right hon. Gentleman stated, that he had made extensive inquiries upon the subject. He stated that there had been a meeting of merchants, brokers, and others connected with the trade, to take the matter into consideration. But he did not tell them that they were unanimous, or that the great majority of them had decided in favour of classification. They were far from being unanimous. It was but by a small majority that the parties alluded to had come to a decision on this great question, and had decided in favour of what he was sure would involve the sugar trade in great confusion and difficulty. It was not, therefore, a clear and unmistakeable matter. It was a question on which the most skilful, intelligent, and the most experienced of men, might and would differ. He would again ask the right hon. Gentleman, and press for an answer, how it was that he was to establish the uniformity of which he was so sanguine. The right hon. Gentleman had stated that samples of sugar might be sent by railroad from London, with facility to the various ports into which sugar was introduced; and that the possession of these samples by the various officers at the different ports would enable them to act uniformly one with the other. But would that apply to Cork, or to any other place to reach which it was necessary that the sea should be crossed? But even if it did so apply, was that the mode in which they intended to test the quality of sugars?—a matter in which, it was admitted by the Chancellor of the Exchequer himself, that public officers would probably differ. He had letters in his possession which he had received from various parties extensively engaged in the sugar trade, and which were condemnatory of the Government plan of classification. He could not regard the system of classification without suspecting that there were some motives at the bottom of it. He suspected that the motive was this—that there was a class of sugars—he meant Foreign free-labour sugars—which were of a higher quality than our Colonial produce—and which were therefore to be kept out of the market, and prevented from entering into competition with East and West Indian sugars. The effect of this would certainly be to continue the bad manufacture of sugar. The very foundation and essence of an *ad valorem* duty was, to make the superior article pay more than the inferior, and to keep, in fact, the superior out of the market. He would not let it be said that this was in favour of the poorer class of consumers; because what they gained in cheapness by such a system, they lost in the quality of the article. This was altogether a subject on which the House should have more information. The Bill proposed to re-establish an exploded system of classification—a system which had already, to a certain extent, been proved to be both defective and injurious. The Government spoke of their standard samples. These, as shown on a former occasion, would be liable to alteration by time, and from various causes operating upon them. The hon. Gentleman then moved the insertion of words into the Resolution, abrogating the classification proposed to be established by it.

The *Chancellor of the Exchequer* said, it was the hon. Gentleman's good fortune, although it was, perhaps, his misfortune, that the hon. Gentleman did not hear what had fallen from him on this point on a former and very recent occasion. The whole matter was then fully stated on both sides. He had never pretended to deny that in the institution of a system of classification, there was, and must necessarily be, great difficulty. Since it had been announced that it was the determination of the Government to adhere to the distinctive duties, the number of persons who concurred in the possibility and propriety of such an arrangement, increased from day to day. They had found it possible to make and carry out such an arrangement both in France and America; and he thought that what was possible in reference to this matter in these two countries, would not be found impossible in a country like Great Britain, where the intelligence of public officers was as great as anywhere else, and where the means of assisting them were as near at hand and as available as elsewhere. He was confirmed in his original opinion that the system was a practicable one, by statements since received from various quarters; and he was sure that after the first difficulties occasioned by the immediate rush into the market of the quantity of sugar now in the warehouses, the great difficulties of the measure would be surmounted. The hon. Gentleman said that he had received letters condemnatory of the Government plan. He had received letters, on the other hand, both condemnatory and in approval of the plan, and it was only by balancing these conflicting opinions that a correct judgment was to be arrived at. He would not repeat the arguments which he had already made use of in reference to this matter; but if the hon. Gentleman divided the House upon his Amendment, he should divide against him.

Mr. *Bright* had had some conversation with a number of wholesale grocers who had attended at the first sale of Manilla sugar. From the circumstances which then took place, it appeared that the trade was quite of opinion that great difficulties would arise from the new classification proposed by the Government. Heretofore it had been the custom of merchants to sell sugar, duty-paid; but in this particular case the merchant gave orders to the broker that the sugar should be sold in bond; and when it was put up for sale there were no purchasers who offered to buy, and the reason they assigned was, that they would not take it upon themselves to buy sugar in bond, because it was impossible for them to tell what might be the amount of duty to which they would be liable under the new classification to which the Government had expressed itself resolved to adhere. Those wholesale grocers to whom he referred, were persons competent to form an opinion on this matter; and the opinion expressed by them was, that the classification would be a source of endless difficulty to the trade. He thought it was but proper that he should state the case he had mentioned to the House. He was entirely opposed to the new classification, and if the hon. Member for Lambeth divided the House, he would certainly divide with him.

Original Clause agreed to.

On Clause 13 — Sugar taken out of warehouse for home use to be charged with Duty according to the quantities ascertained at the time of the first entry and landing, without any abatement on account of deficiency —

Mr. *Hawes* said, that he wished for an explanation of this clause. It was exceedingly important that such explanation should be given, as the clause seemed to him to be in direct contradiction to the Warehousing Act. If they were about to repeal the Warehousing Act, he was sure they would all agree with him that such a step should not be taken by the Government without furnishing the strongest reasons to the House for adopting it. He referred to the Warehousing Act, 3rd and 4th Will. IV., c. 57, Clause 17, and said he was sure the House was not aware that the Government was about to deal with the most important clause of that Act. He wished for explanation, and if one satisfactory were not given, he should move that the clause be expunged.

The *Chancellor of the Exchequer* considered that there was not such a departure from the Warehousing Act as to prevent the House from adopting the clause. When the duty was high, an opportunity was given for reweighing the article. By omitting to do that for the future, a saving of 8,000*l.* a year would be effected. Sugars placed in the warehouses in July, and taken out in October, were subject sometimes to a loss of 14lbs. a hogshead. All that results from this would be a small loss to the importers.

Mr. *Hume* asked, why should the importer suffer any loss at all. The Government ought to receive a duty on all that came into consumption, and no more. The Government ought not to get more than they were entitled to.

Mr. *Humphery* was sorry to hear that for the saving of a few thousands a-year, it was proposed to impose a tax upon individuals. It was not to be supposed that the merchant would pay for the quantity as imported into the warehouse. He would have it reweighed again, whether they charged duty or not, and as to the public they would not be the gainers by one farthing.

Mr. *Hawes* observed, the right hon. Gentleman defended the clause on the ground of the duty being lowered. There were many articles on which a low duty was charged, that were reweighed.

The Committee divided on the Question that the Clause stand part of the Bill: — Ayes 104; Noes 74: Majority 30

List of the AYES.

Adderley, C. B.
Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Bailey, J. jun.
Baillie, Col.
Baird, W.
Barrington, Visct.
Beckett, W.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cardwell, E.
Chelsea, Visct.
Chetwode, Sir J.
Clerk, rt. hn. Sir G.
Cockburn, rt.hn.Sir G.
Collett, W. R.
Colvile, C. R.
Courtenay, Lord
Damer, hon. Col.
Deedes, W.
Duncombe, hon. A.
Eaton, R. J.
Escott, B.
Farnham, E. B.
Fellowes, E.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Fremantle, rt.hn.Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimsditch, T.
Halford, Sir H.
Hamilton, W. J.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, Sir W.
Hepburn, Sir T. B.
Herbert, rt. hon. S.
Hinde, J. H.
Hogg, J. W.
Hope, hon. C.
Hope, G. W.
Jermyn, Earl
Jocelyn, Visct.
Joliffe, Sir W. G. H.
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
Mackenzie, T.
McGeachy, F. A.
McNeill, D.
Marsham, Visct.
Martin, C. W.
Mildmay, H. St. J.
Mundy, E. M.
Neeld, J.
Nicholl, rt. hn. J.
Norreys, Lord
O'Brien, A. S.
Pakington, J. S.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Pringle, A.
Pusey, P.
Repton, G. W. J.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, J. D. W.
Ryder, hon. G. D.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Smith, A.
Smith, rt.hon. T. B.C.
Somerset, Lord G.
Spooner, R.
Sutton, hon. H. M.
Taylor, E.
Tennent, J. E.
Thesiger, Sir F.
Tollemache, J.
Tower, C.
Villiers, Vict.
Vivian, J. E.
Wellesley, Lord C.
Wood, Col.
Wood, Col. T.

TELLERS.
Young, J.
Lennox, Lord A.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Arundel and Surrey, Earl of
Astell, W.
Baillie, H. J.
Bankes, G.
Baring, rt. hn. F. T.
Baring, T.
Barnard, E. G.
Blewitt, R. J.
Bowring, Dr.
Bright, J.
Brotherton, J.
Buller, E.
Busfeild, W.
Clayton, R. R.
Colebrooke, Sir T. E.
Collett, J.
Craig, W. G.
Denison, J. E.
Dennistoun, J.
Dickinson, F. H.
Duncan, G.
Dundas, Adm.
Ewart, W.
Ferguson, Col.
Forster. M.
Gibson, T. M.
Gill, T.
Gladstone, Capt.
Hanmer, Sir J.
Hastie, A.
Henley, J. W.
Hume, J.
Humphery, Ald.
Hutt, W.
James, W.
Kemble, H.
Labouchere, rt. hon. H.
Langston, J. H.
Lemon, Sir C.
Manners, Lord J.
March, Earl of
Marsland, H.
Martin, J.
Masterman, J.
Miles, W.
Mitcalfe, H.
Morris, D.
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
Osborne, R.
Paget, Col.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Plumridge, Capt.
Ricardo, J. L.
Rous, hon. Capt.
Russell, Lord J.
Russell, Lord E.
Stewart, J.
Tancred, H. W.
Thornely, T.
Trelawny, J. S.
Turner, E.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Warburton, H.
Wawn, J. T.
Williams, W.
Wyse, T.

TELLERS.

Hawes, B.
Hill, Lord M.

Clause agreed to.

Remaining clauses agreed to.

Mr. *M. Gibson* was most anxious that the preamble should set forth, as fully as possible, the whole policy of the measure. The right hon. Gentleman (Sir R. Peel) had told the House, that in addition to imposing certain duties on sugar, it was intended by the Bill to give protection to the West India planters, and to discourage the Slave Trade. He (Mr. Gibson) thought those objects should be distinctly stated in the preamble.

Sir *R. Peel* said, the hon. Gentleman had had full opportunity of urging that point in the discussion on the Motion of the hon. Member for the Tower Hamlets; it was a little too late to bring it forward now.

Mr. *Bright* observed, that the West India proprietors must not look upon this Bill as anything like a final settlement of the sugar question. It would be brought forward again next year; and he could assure hon. Gentlemen opposite that he, and those who acted with him, would then make more determined opposition than they had done on the present occasion to the principle upon which this measure proceeded; and he hoped, in so doing, they would have more of public opinion to back them. He must enter his protest against the Bill, as unjust to the consumer, and as one that would afford no practical benefit to the planters.

Mr. *Borthwick* contended that the protection to the West Indies, of which hon. Gentlemen opposite complained so much, was rendered necessary by the legislation of that House. He contended that it was not to the operations of the Government, but to those of the League, that they owed the necessity of taxing the people, in order to maintain the rights of West Indian proprietors.

Lord *John Russell* said, that there was a subject intimately connected with the measures under discussion, relative to which he had addressed the House upon a former occasion, and with respect to which he thought that Parliament ought to have the fullest possible information. He alluded to the means used, or to be used, to enable proprietors in the West Indies and the Mauritius to command an increased supply of labour. He considered this an especially important question to this country, which had done so much for the destruction of slavery and the improvement of the condition of the labouring population in our West India Colonies. The country had a right to know all the steps which had been taken on the subject. Now, he had received letters in reference to this matter from many parties who stated that they had relations acting as missionaries in the West Indies and Mauritius, and that these gentlemen were much afraid of the effect upon the present Colonial population which the character of the proposed labourers would probably produce. When he spoke upon the subject before, he particularly adverted to Jamaica, and the right hon. Gentleman the Chancellor of the Exchequer told him that there existed no loan for the purposes of immigration into Jamaica. He believed that this statement was quite correct; but then, with respect to Guiana and Trinidad, he believed that there were ordinances sanctioning loans for immigration, which had passed the Legislatures of those Colonies. He thought, therefore, that it was of importance that the House should have before them any measures for this purpose, and also full information as to the nature of the instructions which had been given by the Secretary for the Colonies, stating how far Government had approved of what had been done in this respect. It was stated that the noble Lord the Colonial Secretary had proposed, or rather had it in contemplation to propose, some guarantee to Parliament for the payment of the loans in question. He did not know how far this statement was correct; but considering how closely the Sugar Bill was connected with the subject, he took the opportunity of expressing his opinion that Parliament should have as much information relative to it as Government could give it.

Mr. *James* hoped he might be allowed to say one word in explanation, even although it interfered for a moment with the hon. Gentleman's reply. With reference to the speech of the hon. Member for Durham, he could tell him that when he became Chancellor of the Exchequer—which God forbid!—if he attempted to take off a protective duty on West India produce, that the planters could not continue to cultivate their properties, and that our market would be supplied by slave sugar. Not a farthing of the reduction of duties would go into the pockets of the planters; every sixpence of reduction would benefit the consumers.

Mr. *Hope*, in answer to the questions of the noble Lord, begged leave, in the first place, to say, that the alarm expressed by the noble Lord in reference to the possible demoralization of the population in the West Indies and Mauritius, in consequence of the intended immigration, was quite unfounded. The fact was, that from the Papers which he proposed to produce to the House, it was quite apparent that no such apprehension could reasonably be entertained, the number of labourers which could be drawn from Africa being so very limited. With respect to immigration, a statement had gone abroad that in the Mauritius there was not work to be found for the labourers introduced. This was, however, quite a mistake. There was an ample demand for labour there; but there had been some labourers carelessly introduced by the persons at one time charged with the management of the immigration system, who had not been found well fitted for the purposes of cultivation: but since the system had been conducted by the Government all the immigrants had found ample employment. Another question of the noble Lord referred to the immigration ordinances. There would not be the slightest difficulty in producing the Papers relative to all these ordinances. Ordinances had been certainly passed in Trinidad and Demerara, but no portion of the loans had been raised; and, from the difficulties in the way, he did not think that any progress would soon be made in the matter.

Viscount *Howick* thought that the hon. Gentleman had not answered one of the questions put to him by his noble Friend; he alluded to the intentions of Government in reference to any guarantee for those loans. He objected to the principle of raising loans, saddling future periods with their payment. Present expenses should be paid from presently provided revenues.

Mr. *Hope* should have stated that as to the guarantee no decision had yet been come to by the Government.

Mr *P. M. Stewart* remarked that difficulties existed in the way of introducing labourers into our Colonies. Some respectable mercantile houses in the city had obtained licenses from Singapore and Penang; but it was found that instructions had been contemporaneously issued from the Colonial Office to the effect that these licenses should not be allowed to be acted upon. Now, as numbers of willing labourers existed at Singapore and Penang, it was of great importance to know how they could be made available. The great point for the West India proprietors was to obtain labour, and that end accomplished they might do what they liked with the protective duties.

Mr. *Hope* could state with confidence that it was quite a misunderstanding that any such instructions as those alluded to by the hon. Gentleman had been issued by the Colonial Office. The instructions which had been sent out were laid before Parliament. He had, however, before heard the statement made by the hon. Gentleman. He had made inquiries, and he had ascertained that any difficulties which might have existed in the way of procuring labourers had been originated with the Indian Government, and had not arisen from the nature of the instructions sent out. The real obstacle seemed to have been, that the persons obtaining licenses had not sent out ships from this country to convey the labourers; but had written to agents at Singapore and Penang to hire suitable vessels, and that these persons, not understanding the system, did not choose to enter into a venture, of the result of which they had little knowledge.

The House resumed. Report to be received.

CUSTOMS' DUTIES—ORDER OF BUSINESS—AGRICULTURAL DISTRESS.] The *Chancellor of the Exchequer* was understood to intimate, in postponing the Order of the Day for the House to go into a Committee, that the Customs' Acts Bill would be taken the first thing on Monday.

Mr. *Thornely* objected to any delay in considering the repeal of the cotton duties. There was an enormous quantity of cotton in bond; and he understood that the Resolution for the abolition of the import duties would not come on till Wednesday.

Sir *Robert Peel* said, that any delays which might occur were not his fault. He had no objection to go on with the Customs' Duties Bill that night. He intended to take the articles of Customs in the order in which they stood, and to make as much expedition as possible.

Mr. *Miles* wished to know whether he was to understand that the Customs' Duties Bill would not come on till Monday. He was most anxious that the subject should be brought forward with as little delay as possible. He found that all kinds of aspersions and taunts had been flung upon him and the Gentlemen with whom he acted. They had been accused of enacting a sham fight. At any rate, he wished to show that there might be one or two of them who really wanted a fair stand-up fight.

Mr. *Hume* wished to know what the fight was all about.

Mr. *Ferrand:* I will tell the hon. Member for Montrose what it is all about. A few nights ago the right hon. Baronet the Home Secretary stated that the agricultural labourers were in a state of poverty and distress, which could no longer be neglected. My hon. Friend the Member for Somersetshire means to call the attention of the House, not only to the poverty of the agricultural labourer, but to that of the tenant-farmer. And I tell the House and the Government that hundreds of farmers have become insolvent from the effects of the measures introduced by the one, and sanctioned by the other. ["Oh, oh."] Yes, there is no denying. If you can deny it, why not meet the charge of the hon. Members opposite, and repel it? You were told last night that the agricultural distress was frightful. I believe that such is the case; but the reason why I did not vote for the Motion last night brought forward, was, that I believe that any measures which Gentlemen opposite are desirous of introducing, are intended not so much for the protection of the farmer as the destruction of the landlord. I call on my hon. Friend to stand firm on the ground which he now occupies, and not to allow any Minister at a future time to charge him with coming whining into that House. Let my hon. Friend show a bold front, and he will not only deserve, but obtain, the approbation of the agricultural interest. Ministers have forfeited the confidence of the agriculturist. [*Laughter from the Opposition.*] Yes! they obtained power by making the agriculturists believe they were their best friends; and ever since they came into power they have betrayed their interests — they have betrayed the party that sits behind them. And my firm conviction is, that if there were a dissolution to-morrow, instead of having a majority of ninety, they would be left in a minority of twice ninety.

Mr. *Borthwick:* My hon. Friend the Member for Knaresborough rose to answer the question of the hon. Member for Montrose, and did so in a manner which the hon. Member did not expect. My hon. Friend answered the question when he spoke of another dissolution. In 1842, when the right hon. Baronet brought forward his Corn Bill, so humble an individual as myself was the only person who opposed him. By whom was I opposed? Why, by the very men who now cry out for agricultural protection—by those who now come forward and tell the country and farmers to look to them for protection. Now, in the present state of things, I shall not certainly attempt to purchase popularity by voting against the Government. We are a day behind the fair. What is the proposal of my hon. Friend

Mr. Miles? You might as well say that two and two make four, as that "in any remission of taxation, due regard should be paid to the agricultural interest." Why, the hon. Member for Stockport may affirm that proposition! So may the right hon. Baronet the First Lord of the Treasury. What, then, does my hon. Friend mean? Has his Motion any practical purpose whatever? Nobody will accuse me of being a "whiner" to any Government; but I must ask my hon. Friend for something definite in what he submits. Let me look at the Ministerial part of the House. There are some who sit there who possess my profound sympathy. Some eloquent speakers of that section maintain that free trade is a Tory doctrine. The same eloquent lips have taunted the right hon. Gentleman at the head of the Government with not being a Tory. According to him, the Member for Stockport is a high Tory. How is it that such a Motion as my hon. Friend's seems to have attracted the support of those who sit on that part of the House? I suppose it is because they are "the farmers' friends." Alas for the poor farmers! they are befriended on all sides. The Member for Stockport is their "friend"—the right hon. Gentleman at the head of the Government is their "friend;" but cruelly are the farmers suffering from the proceedings of their "friends." But of all the sufferings which they endure—of all the mockeries they could be exposed to—the most bitter is that which would be conveyed by a Resolution of the House of Commons, in the terms proposed by my hon. Friend.

Lord *J. Russell:* As the hon. Gentleman (Mr. Miles) has given notice of a Motion, which I am rather inclined to think, with the hon. Member for Stockport, will be a sham one, I wish to ask whether there is any measure which he wishes to propose? There is a vote about to be taken on cotton wool, which will remit 700,000*l.*, and other duties are to be taken off, which will raise the amount to be given up to about a million. Now, will the hon. Gentleman propose other measures and other remissions of duties than those proposed by the right hon. Gentleman? For it is really necessary to know what are those measures before we come to the discussion of them. I must own, if we are to have the Property Tax, that I am satisfied with the remission of duties proposed by the Government; but if the hon. Gentleman can show me, in the first place, that he is really in earnest, and in the second place, that he has something to propose better than the proposition of the Government, he shall have my vote. I think, however, we should have a timely notice of what the proposition would be, and what the taxes are which it is proposed to remit. Before I sit down, I wish to recur to a statement of the right hon. Gentleman, to which I am not prepared to give my assent. I understood him to say, that he should propose such Votes of Supply before Easter as would enable him to pass the Mutiny Bill. That cannot be done without taking Votes as to the Navy and Army, which must lead to considerable discussion; in fact, raise the question of the defence of the country by sea and land. We shall have sufficient time for such a discussion when the House meets after Easter. I shall be very glad if the duty on cotton wool could be remitted, but I don't think the Government fairly chargeable with the delay.

Sir *R. Peel* would not ask for any Votes but those which were necessary for the Public Service. Some of the Votes were necessary for the Public Service to be passed—as the Votes for the Half-pay. It would be very inconvenient for the Public Service if these Votes were not passed. He only wanted such Votes for the men as would enable him to pass the Mutiny Bill. He thought some arrangement could be made to take these Votes, and have the discussion afterwards. With respect to the Motion of which his hon. Friend (Mr. Miles) had given notice, he begged to say, that he did not mean to put the same construction on it as the hon. Member (Mr. Borthwick) who sat behind him. The Motion might be considered as conveying a truism in which he could concur, and in which any persons might concur who thought that "due regard should be paid to the necessities of the agricultural interest." The construction to be put on a Vote of that kind depended on the position of public affairs. It would be impossible for the House to affirm that Resolution without implying an opinion that the measures of Her Majesty's Government ought not to be carried into effect. Although the Motion might be abstractedly true, the inference to be drawn from acceding to it would be, that there ought to be some remission of taxation immediately bearing on the agricultural interest. If they voted that Resolution without following it up by measures of that nature, it appeared to him that it would be practising a delusion on the agricultural interest. Now, he must say that the Government meant to adhere to the measures which they had proposed: they meant to remit the duties on cotton wool, and on glass, and those Customs' duties which had been specified. It was, therefore, totally impossible for him, whether that Resolution were abstractedly true or not, to affirm it.

Mr. Miles said, if the noble Lord (Russell) would look at the Resolution, he would find that it clearly stated—"That in the application of surplus revenue towards relieving the burdens of the country, due regard should be had to the necessity of affording relief to the agricultural interest." It was not his intention at all to interfere with the remission of certain taxes; but it was his duty, as he conceived, to lay before the House, previously to its agreeing to any further reduction of taxes, the state of the agricultural interest. He conceived it to be likewise his duty to point out to the Government, that though it was impossible for them directly to remit taxes, yet there were indirect means by which they could relieve the agricultural interest from a taxation which peculiarly pressed upon it—he alluded particularly to the county rates. He should ask the House to consent to remit this rate; and that remission would amount to about 400,000*l.*

Mr. *Bright* wished to ask whether there was any objection to allow the cotton duty to be repealed at once, and to take it out of the list where it now stood? It was placed unfairly with the "w's," although it began with a "c." There would be no difficulty in coming to a decision upon it, as they were all agreed about the remission of the duty; and, considering that there was at this moment an enormous amount of cotton bound up in consequence of the non-repeal of the duty, and that the quantity in the market was limited, and no regularity in the trade, he hoped the duty would be at once taken off. He had letters from Lancashire, making serious complaints on the subject. It seemed to him to be one of those simple things which an omnipotent Government could do in five minutes. It would cause great satisfaction if the Government would allow it to be done on Monday night.

Sir *R. Peel:* We have never been able to get into Committee.

Mr. *Bright:* I will move that the House do go into Committee now, if the right hon. Baronet chooses.

Sir *R. Peel:* The House would surely not go into Committee at that hour. He would much rather take the article in the order in which it was placed. It was no mistake of his that it was put among the "w's."

Order of the Day for a Committee on the Customs' Acts postponed till Monday.

ATMOSPHERIC RAILWAYS.] Mr. *Shaw* rose to move, according to his Notice, for a Select Committee to inquire into the merits of the Atmospheric System of Railway. He could have wished, at an earlier hour, to have dwelt upon the nature of the system, the progress it had made, and the great acquisition which he believed the discovery would prove in the science of railway locomotion; but at that period of the night, he would not trespass longer on the House than very briefly to state the grounds and refer to the Parliamentary documents upon which he hoped to gain the assent of the House to the inquiry which he sought. In the petition which he had presented to the House, and upon which he then moved, the patentees complained that they were prejudiced by the Report of the Railway Department of the Board of Trade on the Kentish and South-Eastern Railway; but he (Mr. Shaw) would greatly prefer to rest the case upon the public advantage to be derived from a preliminary inquiry being made upon a point of such vital importance, before the House became engaged in the unusually large amount of railway business they would have to discharge during the present Session. He should have liked to go through the various Reports of the Board of Trade relating to the subject; but as he fully appreciated the time of the House at that advanced hour, he should content himself by quoting from one Report, which, he thought, would sufficiently establish his case for a Committee—it was the Report upon the Newcastle and Berwick Railways. In that Report, the Board admitted that the result of the atmospheric system was likely to be "an acceleration of speed in travelling, combined with the general introduction of a system of very frequent trains and low fares," and that the experiment at Dalkey might be considered to a great extent conclusive as regarded the success of the system, considered as a mechanical problem; that it demonstrated that trains might be propelled by means of it at high velocities, with safety and convenience to the public; and that the same result might be attained, although the separate consecutive portions of the line should be multiplied indefinitely. But then they said, that in forming their judgment upon competing schemes, they could not assume the complete success of the atmospheric system "in a practical and commercial point of view"—meaning that of expense; and that therefore, in comparing two rival projects, they had thought themselves bound to regard them "apart from all considerations as to the atmospheric system." Now, he was not there to throw any imputation upon the Railway Department of the Board of Trade; on the contrary, he thought they had, on the whole, performed the very difficult functions that had been entrusted to them with great ability and impartiality; but still, in the instance of the atmospheric railway, he considered the conclusion they had come to was erroneous, and detrimental as well to the patentees, as to the public. While they acknowledged its merits, and that in a mechanical point of view its success had been proved, they excluded it from their consideration, because they were not yet satisfied of its success in regard of expense; and yet they had refused to examine witnesses upon that point. What he then wanted was, to supply evidence upon the question of expense, and to have an inquiry before a Select Committee of that House, instead of several before the various Railway Committees, which would have to consider competing lines, when any one of them was proposed to be constructed on the atmospheric principle. The proof that he understood would be offered was the practical experience of the working of the Dalkey and Kingstown line for the last eighteen months; and he might say that, as an Irishman, he had great pleasure in referring to that line, and stating that it was in Ireland the experiment of the atmospheric system had received its first practical trial. There could be also given in evidence the completion of contracts for the Drogheda line of eighteen miles in length, and the South Devon of fifty-two miles—both to be worked on the atmospheric plan, under the eminent engineers, Mr. Cubit and Mr. Brunel, and the contractors—such houses as Sir John Rennie, Maudsley and Feild, Boulton and Watt, and Grissell and Peto—who would prove not only that they had completed the contracts for the engines and air pumps at a cost not greater per mile than would be required for an establishment of locomotive engines; but that they would further engage to keep them in repair at an annual charge of about 5 per cent. on the first cost—whereas the wear and tear in the locomotive system was nearer 50 per cent. He did not want that those statements should be taken for granted, but merely inquired into, and that in a manner to prevent the great expenditure of public time and money—which otherwise it would cost to investigate them before separate Committees on Railway Bills. If it were said that the best test would be the experiment that was about being tried on the Croydon and South Devon lines, the answer was, that that could not take place before the month of July—that time was the very essence of the present question—and that in the intermediate period would occur that which might fairly be called the crisis of railway speculation. Considering then, that there were for that Session alone, 248 Railway Bills to be brought before the House—seeing that the House had conferred a new power on the Board of Trade—had appointed a Select Committee, on which he (Mr. Shaw) had sat, for the purpose of constituting particular tribunals—for disposing of the immense mass of railway business then pressing upon them—that they had adopted Committees of classification and selection, and a small number of selected Members, subject to compulsory attendance, and laid aside all private convenience, in order to meet the present emergency in respect of Railway Bills, he did hope that the House would not refuse a Committee to inquire into so important a branch of the subject as that which he had that night ventured to bring to their attention.

Mr. *Warburton* said, he should not allow the Motion to pass without dividing the House upon it. If mechanical improvements had taken place in the construction of railways, they afforded no more ground for a Committee of Inquiry than would be furnished by an improvement in watchmaking, shipbuilding, or engineering. The whole question resolved itself into this, whether railways constructed on the atmospheric principle could be worked more cheaply than other railways. This was a question which he thought could only be decided by experience.

Mr. *H. Hinde* agreed with a great portion of what had been stated by the hon. Member opposite. He had no objection to a preliminary inquiry. However, he believed that under the motives of his hon. Friend there lurked a desire to delay General Railway Bills. The Board of Trade had reported in favour of those railways in every sense; but in a mercantile point of view, the witnesses who had been examined did not go the length of the Board of Trade in the opinions which they had expressed with respect to the disadvantage of this railway in a mercantile point of view. If this were merely a matter of philosophic inquiry, it might be a proper subject to refer to the inquiry of a Select Committee.

Viscount *Howick* did not think that his hon. Friend behind him (Mr. Warburton) had exercised his usual acuteness in the objections which he had urged to the Motion of the right hon. Gentleman. He (Viscount Howick) had been a Member of the Select Committee which had inquired into this subject, and he thought that it was an object of interest to the public to know whether this system should be adopted or not. He thought that this Motion ought to be adopted. He thought that the inquiry was called for under circumstances that would in every way justify the House in granting the inquiry. In the present year, a great number of Railway Bills would be before the House. In two or three cases there was a competition between the atmospheric railway and the locomotive system. It was the great advantage of the atmospheric system, that it was able to overcome gradients, to produce a great advantage in reducing the amount of construction. The Board of Trade had admitted that this system was greatly superior in point of speed, in point of safety; but they doubted its success on the ground of its mercantile advantage. Now, that was a question with which he (Viscount Howick) did not think that the Board of Trade had any right to interfere. These were transactions which were proposed to be carried on by private speculation, and he did not see why the Board of Trade should interpose. As a Member of the Committee which had inquired into the subject, he thought that it was proved that the atmospheric system possessed great superiority, in point of safety and speed; and in a mercantile point of view, under every disadvantage, with the worst possible gradients, and with many difficulties to contend against, it appeared that the advantage in point of expense was, as a comparison between both, 9*d.* per mile for the atmospheric, and 14½*d.* per mile for the locomotive. The Committees appointed upon these subjects would have to investigate those matters; and he thought that it would be a great saving of time to Committees if an investigation took place on this subject. He thought that it was very desirable that those Committees should have the benefit of any experience that might have been acquired on the subject. It would be a great advantage when the question of competing lines came before those Committees, to have the benefit which this inquiry would produce. He was sure that any want of sufficient information on the subject might have the effect of delaying to a distant day the application of the atmospheric system. Whatever might have been said to the contrary, he thought that the best course would be to have an inquiry at once, before a Select Committee, into the merits of that system. He thought that it would be better to have a Committee at once, to inquire into this subject. The effect would be to save time, as these questions must necessarily come to be considered before Railway Committees. Now with respect to any delay which this Committee could produce, he believed that it was not likely that any of the Railway Bills would be referred to a Committee before Easter. Now he thought that if this question was referred to a Select Committee, that Committee would be able to give its Report in time so as to assist those Committees. For these reasons he supported the Motion.

Sir *G. Clerk* felt obliged to object to the Motion of his right hon. Friend. The noble Lord had stated that he had been last year a Member of a Committee to inquire into this subject, and that the evidence had justified him as to the merits of the atmospheric system alone; that was in itself an argument why the Committee should not be granted. With respect to the merits of this system, it was quite easy to conceive that in the neighbourhood of a large city like Dublin, with a neighbourhood like Kingston, it was likely to be successful. But how could they say that it would be equally successful where the traffic would not be so much in its favour? He thought that the Board of Trade was quite right in reporting in favour of the locomotive system. The advantage of the locomotive system was, that it would always apply, however it might be adopted, and if it was found inapplicable, it would be very easy to lay down tubes and apply the atmospheric system. To show that he had no hostility to the atmospheric system, he begged to remind the House that, last Session, on the Motion of the hon. Member for Kildare, he had, when connected with the Treasury, granted those parties facilities for trying their principle on a larger scale than they could have been disposed to do out of their private means. He thought that the decision to which the Board of Trade had come was a perfectly sound and just one, and for these reasons he should feel obliged to oppose the Motion of his right hon. Friend.

Mr. *Parker* said, that he was disposed to vote in favour of this Committee. He thought that the House ought not to be deprived of any experience that existed on this subject, which was one of importance to the public at large. He thought that the public had a right to expect a fair examination into the principle of the atmospheric railway.

Mr. *M. J. O'Connell* said, he was sensible of the difficulty of getting a Committee impartially constituted; but if there were any possibility of good arising out of it, he hoped the Government would not oppose the Motion.

Mr. *Ricardo* supported the appointment of the Committee. The question was a national one, for it involved the expenditure of a large amount of capital. Before two years had passed, either the atmospheric or the locomotive principle would be established; and whichever was successful, all the capital expended in the opposite direction would be completely wasted. Let, then, a Committee be appointed, in order to enable the House to judge which principle they would adopt.

Sir *R. Peel* said, he thought, if there were doubts upon this subject, considering the particular position of the House with regard to railways, those doubts ought to be solved in favour of the appointment of a Committee. The weight which the Committee would carry with it would depend very much upon its constitution being without the least suspicion of its being formed with the view of favouring any particular system. He confessed, that upon the whole, considering the number of Railway Bills before the House, considering also the possibility that the appointment of one Committee might save some time in others, he was inclined to try the experiment; but, at the same time, he could not anticipate any very good effect from it. He did not, for instance, believe, that if the right hon. Gentleman obtained the Committee, it would determine any speculative point, for example, whether the Archimedean screw or the paddle-wheel was the best. Those points could only be determined after a vast number of experiments by practical men had been brought before the public, which would form its opinion, not upon the Report of any Select Committee, but upon the test of practical operations. If the Committee were appointed, he had also some doubts whether the object in view would be effected, although, let it be understood, that his impressions were strongly in favour of the atmospheric system; nor did he think the Report would be made in sufficient time to influence the decision of any other Committee; but he did think that a Committee appointed now, and proceeding to the consideration of evidence, might be able to suggest to individual Committees several important points. For instance, they could get exact and useful information concerning the Dalkey line, and upon the application of the system upon the Continent, imperfect as that system must be at present. They might collect a body of evidence which might be valuable in saving time; but the question still would remain, whether the system would succeed commercially. It was possible the Committee might clear up all doubts upon the mechanical part of the question—they might ascertain the exact expense of working; but the commercial success of the system depended upon a thousand considerations which no Committee of the House of Commons could decide upon. But upon the whole he should vote for the Committee, although there might be great difficulty in constituting it so as to save the labour of other Committees; and seeing the amount of capital involved—though not foreseeing the probability of any great benefit being derived from it, he advised his right hon. Friend to constitute the Committee of men not prejudiced in favour of any particular system.

Lord *Ebrington* rejoiced exceedingly that the right hon. Baronet had consented to the appointment of this Committee.

Mr. *Gill* said, the expense of a railway formed on the atmospheric principle was less than that of a locomotive line. In many parts of the Continent in which the atmospheric principle had been established, a locomotive line could not be introduced; and even in many parts of England, though not so mountainous, it would be beneficial to introduce the atmospheric in preference to the locomotive principle.

Mr. *Shaw*, in reply, thanked the House for the attention which, at that late hour, they had given to the subject, and expressed his obligation to the Government for having granted the Committee. He would not then, as the Committee was conceded, detain them longer by replying to some of the objections, to which he thought he could have given an easy answer—he would only express his entire concurrence in the sentiment of his right hon. Friend (Sir Robert Peel), that the value of the Committee would depend upon its being constituted with the most perfect impartiality—and in that spirit he would, on Monday, propose to nominate it.

Mr. *Warburton* said, that after the speech which had been made by the right hon. Baronet at the head of Her Majesty's Government, he would not divide the House upon the question.

Appointment of the Committee agreed to.

House adjourned at half-past one o'clock.

HOUSE OF LORDS,

Monday, March 17, 1845.

MINUTES.] BILLS. *Public.*—$1^{a.}$ Bastard Children; Post Office Offences Act Amendment; Bastardy.

$2^{a.}$ Property Tax; Pauper Lunatics (Ireland).

Reported,—Companies Clauses Consolidation (Scotland).

$3^{a.}$ and passed:—Consolidated Fund.

PETITIONS PRESENTED. By the Bishops of Chester and St. Davids, from Altrincham, and numerous other places, for adopting Measures for the Suppression of Intemperance, especially on the Sabbath.—From Females of Baptist Church, and Society of Friends, Reading, for adopting Measures for Suppressing Seduction and Prostitution.—From Ruislip, for Alteration of Game Laws.—From Justices of the Peace, for the Counties of Berkshire and Wiltshire, for Alteration of Bastardy Clauses in Poor Law Amendment Act.—From Lisburne, for Encouragement of Schools in connexion with Church Education Society (Ireland).—By the Earl of Minto, from Presbytery of Perth, and several other places, for Improving the Condition of Schoolmasters (Scotland).—From Grand Jury of Montgomery, against the Union of St. Asaph and Bangor, and in favour of the Appointment of a Bishop to the See of Manchester.

PAROCHIAL SCHOOLMASTERS IN SCOTLAND.] The Earl of *Minto*, on presenting a petition from the Presbytery of Wigton, and from another place, praying that some better provision should be made for the Parochial Schoolmasters of Scotland, said, this question had been brought under the consideration of Her Majesty's Government last year, and he wished now to ascertain from the noble Duke opposite (the Duke of Buccleuch), whether or not Her Majesty's Government intended to do anything decisive on this subject this Session. He apprehended that there were no impediments in the way; or, if there were, they must be such as could easily be removed. He thought that the salary of a parochial schoolmaster ought not to be less than 50*l.* a-year; and he was anxious that the law should be so constructed as to deal with the cases of those who misconducted themselves, or who, from other circumstances, were incapable of doing their duty properly. Some provision also should be made for those who through age or infirmity became incapacitated. He would, however, be perfectly satisfied to leave the matter in the hands of Her Majesty's Government, if they would undertake it.

The Duke *Buccleuch* assured the noble Earl, that this subject had engaged the attention of Her Majesty's Government. It was not without its difficulties, some of minor importance, and others of greater. No doubt that several matters ought to be considered, not only with regard to the provision of annual incomes of schoolmasters, but the state of the law with respect to their appointment and removal. As those were most difficult points to deal with, an investigation before a Committee of their Lordships' House would be the best means of bringing the subject more fully in all its bearings before the Legislature, and such a Committee would be able to decide on the measures which would be most proper to bring forward. He would therefore move for the appointment of a Select Committee, to inquire into the condition of the Parochial Schoolmasters in Scotland.

The Earl of *Minto* expressed his satisfaction at the course suggested by the noble Duke.

Motion agreed to.

ANTARCTIC EXPEDITION.] The Earl of *Minto* said, he wished to put a question to the noble Duke opposite (the Duke of Wellington) to which he feared the noble Duke would not be prepared to give a satisfactory answer. His question was —whether Her Majesty's Government had it in contemplation to take any measure to facilitate the publication of the very interesting magnetic observations made during the late Antarctic voyage, under the command of Captain Ross. That voyage had been undertaken at the instance of the most scientific men in this country and in other parts of the world. These observations were, at the same time, to be conducted in different parts of Europe, so that comparative information might be obtained on this subject. The voyage and the experiments had been conducted with the utmost skill, and had succeeded beyond expectation ; it had led to the most curious and important discoveries, and had added greatly to the advancement of science. Her Majesty's Government had very liberally contributed the sum of 2,000*l.* towards the expenses of publishing the researches of the departments of Botany and Natural History ; but nothing had yet been done towards the expenses of making available the more important branch of the undertaking, which was the magnetical and meteorological observations. He understood that it had been in contemplation to publish the results of these observations through the means of the Royal Society, the funds of which institution were totally inadequate for the publication of the complete observations ; and he need not state that the mere results were of little value compared to the observations themselves. Under these circumstances, he did hope, as he understood that the Russian Government was about to publish all the observations taken in that country, and as the French Government was always most liberal in the publication of such observations, that the British Government would give such assistance as would lead to the publication of these observations in the most entire and perfect form. After 100,000*l.* had already been spent by the Government, he hoped that they would not grudge the additional sum of 2,000*l.* or 3,000*l.*, which would be all that was necessary to place the public in possession of the whole of these observations.

The Duke of *Wellington* said, he was not able to give the noble Earl an answer, but he might rely on it that the utmost attention would be given to the subject, and that Her Majesty's Ministers would take measures to give the most complete information in so interesting a matter. He would only add that he would direct inquiries to be made in the proper quarter.

DEODANDS ABOLITION BILL.] On the Motion of Lord Campbell, the House went into Committee on this Bill.

The Earl of *Ellenborough* said, that this was a very short Bill, but there was one part of it which he thought might be spared. There were two reasons given for one effect ; and one of these portions might, in his opinion, with advantage be omitted from the Bill. He thought the fewer words that were introduced into an Act of Parliament, provided they were sufficiently intelligible, the better.

Lord *Campbell* said : My Lords, I think the noble Earl is mistaken, for it would not be enough simply to enact that there shall be no forfeiture of chattels causing death, or that deodands shall be abolished. At present there is a forfeiture of chattels causing death where there is no deodand, as in the case of murder and manslaughter ; and there may be a deodand in the shape of a pecuniary mulct where there is no forfeiture. The prohibition to a coroner's jury to find a deodand may be necessary from the existing requisition that they shall declare forfeited whatever has caused death, although there may have been no negligence in the owner; and the additional words declaring such finding void may be useful to obviate the argument—*fieri non debet, factum valet.* I confess, my Lords, I am rather surprised at the objection, as I had thought my Bill a model of brevity. Effecting a great improvement of the law, it consists of one single clause, and the enacting part does not exceed three or four lines. Behold the Bill, my Lords, the length of which is complained of. [Here the noble Lord held up his Bill.] I am still more surprised, my Lords, at the quarter from which the objection comes. While the noble Earl was in the East, there appeared before the public certain proclamations, which were indeed chargeable with redundancy. [Lord *Ellenborough* : Not mine, I am sure.]

It was, indeed, doubted whether they were genuine productions, and many supposed that they had been fabricated in the name of the Governor General for the public amusement. But in this House they were treated as authentic; and to them the pruning knife might have been most advantageously applied. The noble and gallant Duke opposite never had a more difficult undertaking than to defend them, which he certainly performed with consummate courage and skill; but when he came to that passage, which he designated "a song of triumph," I am sure that even he must have inwardly quailed, and earnestly wished that the pruning-knife had been applied to it. [The Duke of Wellington laughed very heartily.] However, my Lords, it has been my great object for many years to introduce simplicity and brevity into law proceedings, and into the language of legislation; and if this Bill can be safely shortened, I shall be most happy. If the noble Earl will allow it to pass through the Committee in its present form, with his assistance, and that of my noble and learned Friend on the Woolsack, I shall consider what may be safely left out on the Report, although I hope there may not afterwards be reason to say—

> "Brevis esse laboro, obscurus fio."

The Earl of *Ellenborough:* My Lords, I am glad that the noble and learned Lord has referred to my conduct in India. I am here to answer him or any man, and now I should wish to hear said in my presence that which has been said in my absence.

Lord *Campbell* said: I did not mean to attack the measures of the noble Earl, or to raise any discussion on his policy, which I admit ought to be done—if at all—by a direct Motion. I confined myself to his style. I meant on this occasion to say nothing respecting his government of India. If he is contented that things should remain as they are, so am I.

The Earl of *Ellenborough:* I beg to give the noble and learned Lord a piece of advice, which I believe was once given by Lord Chatham in the House of Commons to some hon. Member of that House who had chosen to arraign his conduct, which was this—that the next time he meant nothing he had better say nothing.

Lord *Brougham:* I hope, my Lords, that this will go no further. My noble Friend, who was absent on former occasions, says, as I know, that nothing would ever give him more satisfaction than to hear himself openly attacked in his presence, for he is ready to defend himself; but I must add, as often as anything has been said in impeachment of his conduct, in his absence, he was most zealously and most anxiously defended by my noble Friend the gallant Duke; and zealously, though, God knows, not ably, but, I believe, successfully, by the individual who now addresses your Lordships.

The Earl of *Ellenborough:* I know the whole amount of gratitude which I owe to the noble Duke on this subject, as I do on all others. But, my Lords, I cannot venture to speak on this subject.

Bill passed through Committee, and reported.

PROPERTY TAX BILL.] Lord *Wharncliffe*, in moving that this Bill be read a second time, suggested that it would be for the convenience of many noble Lords that any discussion which it might be desirable to have on this measure should take place immediately after the holidays. The Bill itself was merely the continuance of the Property Tax Bill for a period of three years; still he understood it was the wish of noble Lords to express their opinion upon the subject of the tax generally, and he would, therefore, propose that the Bill be now read a second time, and that the discussion should be had on the third reading.

The Marquess of *Lansdowne* was not desirous to induce the House to depart from any arrangement which noble Lords opposite were anxious to make respecting the day on which this most important subject—for although it was merely a continuance of the Property Tax for three years, still he did think it was a very important subject—should be discussed. One discussion he considered would answer, and he was disposed to think that that discussion could be as conveniently taken after as before the holidays. All that he was desirous to state now was, that he hoped it would not be misconstrued as far as he was concerned, or indeed as far as other noble Lords were concerned, that there was any appearance even of indifference if this Bill was allowed to pass the second reading with that silence which was accorded to it on this occasion. He now begged to give their Lordships notice that, on the third reading of this Bill, he should not only address himself to the immediate subject of it—namely, the imposition of a Property Tax, but he should also express his opinion upon those other financial measures which might properly be considered to be connected with it.

Lord *Brougham* entertained a very strong opinion upon the subject of this extraordinary proposition for the continuance of what he would venture to call an Income Tax. If it were a Property Tax, undoubtedly many of his objections would, he did not say cease altogether, but would be considerably modified. He agreed that these financial matters should be discussed all at once, instead of being taken by piecemeal, and that it would be better to postpone the discussion to the next stage of the Bill; but in allowing the Bill to be now read a second time, they must not be supposed to be enamoured with the tax, but that considering that the necessity or high expediency of the tax had not yet ceased which justified its being enacted three years ago, they were not willing to throw any obstacle in the way of its passing as a temporary measure. Undoubtedly he entertained a strong objection to such a tax, without modification, becoming a permanent source of revenue in this country. When the discussion should come on, he should be prepared to state his views as to the modifications which he thought absolutely necessary in order to make this a tax fit and proper to be a permanent source of revenue to the State.

The Duke of *Wellington* believed that it was for the general convenience of the House that the discussion should take place at a future period. Several noble Lords were absent who were desirous to express their opinions against the measure; he was therefore willing to postpone the discussion for the general convenience, not at all supposing that any noble Lord would, by so allowing the second reading to pass, have in any way altered his opinion on the subject.

Lord *Ashburton* said, that although it might have been more satisfactory to the public mind if their Lordships had discussed this subject before the holidays, yet as there seemed little inclination on the part of noble Lords, as there had been very little inclination on the part of the House of Commons to oppose the passing of this Bill — notwithstanding various opinions were entertained as to the nature of the tax itself—he thought there was no doubt it would pass, and therefore there could be no inconvenience in allowing the discussion to take place after the holidays.

Bill read a second time, and ordered to be committed.

Pauper Lunatics (Ireland) Bill.] Lord *Monteagle* moved the second reading of this Bill, to which he trusted that no opposition would be given, as it was his intention that the fullest opportunity should be afforded for the consideration of the Bill. The subject was one entitled to the attention of the Government. At present the gaols in Ireland were full of pauper lunatics, who were kept without medical or moral treatment. The object of the Bill which he proposed was not to make any compulsory regulation with respect to the subject, but to give the Lord Lieutenant of Ireland (if he thought fit) a power which he did not now possess, of classifying pauper lunatics in a similar way to that done under the law in this country. He would merely propose to have the Bill now read a second time, with the view that time should be given for its future consideration.

The Duke of *Wellington* would not object to the second reading of the Bill. At the same time, he believed that his right hon. Friend the Secretary for Ireland had given notice in another place of his intention to introduce a measure on this subject, and which measure he hoped to be able to perfect. However, as the principle was admitted, the only difference that could arise was, as to the particular mode of effecting the object in view. As the noble Lord said that he did not mean to bring the Bill forward, he would not object to its being read a second time.

Bill read a second time.

House adjourned.

HOUSE OF COMMONS,

Monday, March 17, 1845.

Minutes.] Bills. *Public.* — 1°· Jewish Disabilities Removal.

Reported.—Lands Clauses Consolidation; Sugar Duties.

3°· and passed:—Customs (Export Duties).

Private.—1°· Cornwall Railway; Waterford and Kilkenny Railway; Wolverhampton Waterworks; Glasgow Bridges; Shaw's Waterworks; Yoker Road; Dundalk and Enniskillen Railway; Chelsea Improvement; Erewash Valley Railway; Bristol Parochial Rates.

2°· Blackburn and Preston Railway; Shelsley Road; Launceston and South Devon Railway; Newark and Sheffield Railway; Sheffield Water; Sheffield and Lincolnshire Junction Railway; North British Railway; South Devon Railway (Tavistock and other Branches); Berks and Hants Railway; Glasgow, Paisley, Kilmarnock, and Ayr Railway; Clydesdale Junction Railway.

Reported.—Ellesmere and Chester, and Birmingham and Liverpool Junction Canals Union; Sparrow's Herne Road; Birmingham and Staffordshire Gas; Birkenhead (Company's) Docks.

PETITIONS PRESENTED. By Captain Meynell, and Mr. Shaw, from several places in Ireland, for Encouragement to Church Education Society (Ireland).—By Mr. Kemble, from Southwark, for Better Observance of the Lord's Day.—By Viscount Clive, from Kynnerley, and by Mr. Colvile, from Breadsall, against Increase of Grant to Maynooth.—By Mr. Cholmondeley, from Grand Jury of County of Montgomery, and by Viscount Clive, from Shrewsbury, and 3 other places, against Union of St. Asaph and Bangor.—By Mr. G. W. Hope, from Peace Society of Southampton, against Importation into Colonies of Hill Coolies.—By Mr. Antrobus, Sir John Chetwode, Sir Henry Halford, Mr. Kemble, Mr. W. Miles, Mr. Stafford O'Brien, Mr. C. Round, Lord Worsley, and Mr. W. Wynn, from an immense number of places, for Agricultural Relief from Taxation.—By Sir Howard Douglas, from Tanners of Liverpool, against any Reduction of Duty on Leather.—By Mr. Barclay, from Shipowners and others of Sunderland, and by Mr. Hume, from Montrose and Leith, for Reduction of Tolls and Dues on Lighthouses.—By Mr. T. Duncombe, from John Templer, of Lymington, against the Stamp Duties Assimilation Bill.—By Mr. P. Miles, from Sugar Refiners of Bristol, for Allowance of Duty on Stock in hand, and by Mr. Hogg, from Agricultural and Horticultural Society of India, suggesting Alterations in Sugar Duties.—By Viscount Duncan, from Over and Reading, against the Window Duty.—By Mr. P. Miles, from Ropemakers of Bristol, in favour of the Duty on Yarn.—By Mr. Mackinnon, from Marylebone, for Inquiry into Anatomy Act.—By Mr. Duff, from Landowners, Bankers, and others, of Banff, against any Alteration of Law relating to Banking (Scotland).—By Dr. Bowring, from Guardians of Bolton Union, for Alteration of Bastardy Bill.—By Colonel Rawdon, from Roman Catholics of Clonfecle, for Repeal of Charitable Donations and Bequests (Ireland) Act.—By Mr. Sergeant Murphy, from Cork, for Alteration of Law relating to Criminal Offenders.—By Mr. Smollett, from Factory Workers of Duntocher, for Reducing the Hours of Labour to 10 in Factories.—By Mr. Bright, from Waddesdon, for Repeal of Game Laws.—By Mr. Kemble, from Southwark, for carrying into effect the Metropolitan Improvements.—By Lord Dalmeny, from Peace Society of Dunfermline, against Increase of Naval and Military Establishments.—By Mr. Martin Blake, from Guardians of Loughrea Union, for Relief from Payment of Loan for Building Workhouse.—By Mr. Sergeant Murphy, from Nottingham, for Post Office Inquiry.—By Lord Ashley, Mr. Bright, Mr. Brotherton, Captain Duff, Sir Charles Lemon, Mr. Maule, Mr. W. Miles, Mr. Morris, Mr. Plumptre, Captain Plumridge, Mr. Sheppard, and Mr. Manners Sutton, from a great number of places for Diminishing the Number of Public Houses.—By Admiral Dundas, from Proprietors of Kennet and Avon Canal Navigation, for Regulating Charges by Railway.—By Mr. Gibson Craig, from Presbytery of Edinburgh, and by Mr. Lockhart, from Lanark, for Improving the Condition of Schoolmasters (Scotland).—By Lord Dalmeny, from Peace Society of Dunfermline, and by Mr. Dodd, from Maidstone, against Armed Interference of Slave Trade.—By Mr. Hume, from Glasgow Snuff and Tobacco Manufacturers, complaining of Distress in Tobacco Trade.

House met at 12 o'clock.

RAILWAY CLAUSES CONSOLIDATION BILL.] Lord *G. Somerset* brought up the Report of the Railway Clauses Consolidation Bill.

On the Question that it be received,

Mr. *Hawes* drew attention to Clause 17, which gave power to the Admiralty to prohibit the execution of any works upon any shore of the sea, navigable river, &c. It seemed to him that this was an extraordinary power to give to the engineer of the Admiralty; and it was unfair, after a Bill had been fully discussed in private Committee, and a certain power given to such Committee, upon the evidence of eminent engineers, that the engineer to the Admiralty should, upon his sole responsibility, put his veto upon the further progress of the works. To prevent such an anomaly, he proposed, that after the word "company," the words "unless authorised by the special act," should be added.

Mr. *Fitzroy* objected to the insertion of the words proposed. The power had long been vested in the Admiralty, and he did not see any reason for doing away with it now.

Mr. *Henley* said, it was a very stringent clause; it gave the Admiralty the power of stopping works after they had actually commenced, and he thought it ought to be modified.

Lord *Marsham* was of opinion that the clause was a very salutary one, as it made the companies aware that they must obtain the sanction of the Admiralty before they could attempt to interfere with any Admiralty works. It would be well if companies always received the sanction of the Admiralty prior to their bringing any Bill before Parliament, which would encroach upon navigable rivers, &c., which were exclusively under the management of the Admiralty.

Sir *W. Clay* supported the Amendment. He thought it was very unfair, after allowing a company to go to the expense of surveying and beginning their works, to permit the Admiralty to interfere and put a stop to their further progress.

Sir *G. Clerk* said, that the subject of the encroachments which had been made on navigable rivers, harbours, and creeks, had been brought under the consideration of the House by the hon. Member for Montrose, and a Commission had been issued to investigate the subject of the encroachments complained of. If the clause were allowed to pass as it stood, no Railway Bill would be introduced where it was necessary, in executing the proposed line, to cross a river, creek, &c., without the parties interested having first obtained the formal assent of the Admiralty. This he thought was absolutely necessary. The introduction of the words proposed would entirely destroy the effect of the clause. He must therefore oppose their introduction.

The House divided on the Question that the words be inserted:—Ayes 4; Noes 37: Majority 33.

List of the AYES.

Aldam, W.
Henley, J. W.
Lambton, H.
Sibthorp, Col.

TELLERS.
Hawes, B.
Clay, Sir W.

List of the NOES.

Allix, J. P.
Arkwright, G.
Baring, rt. hn. W. B.
Boldero, H. G.
Bowles, Adm.
Brotherton, J.
Bruce, Lord E.
Clerk, rt. hon. Sir G.
Clive, Visct.
Dickinson, F. H.
Dodd, G.
Egerton, W. T.
Entwisle, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Greene, T.
Grimston, Visct.
Harris, hon. C.
Horsman, E.
Kemble, H.
Mahon, Visct.
Marsham, Visct.
Miles, W.
Neville, R.
Norreys, Sir D. J.
O'Brien, A. S.
Plumptre, J. P.
Rushbrooke, Col.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Spooner, R.
Trotter, J.
Wellesley, Lord C.
Wortley, hon. J. S.

TELLERS.
Lennox, Lord A.
Fitzroy, hon. H.

Clause agreed to.

Sir *W. Clay* wished to draw the attention of the noble Lord to Clause 18, which related to the interruption of the supply of gas and water by any railway company. He feared that at present the clause was too stringent, and would very materially interfere with the gas and water companies, and that much to their detriment. There were deputations in attendance outside the House from several large gas and water companies, and he knew that they were exceedingly anxious upon this point. He would recommend that the noble Lord should permit those persons to suggest some alteration in this clause which might be sufficient for the purpose they had in view; and he had no doubt, if allowed, that they would be able to propose such alterations as might be useful. It was quite true that they could put in special clauses in the special Bills; but it must be remembered that the projectors of every railway would be highly fortified in their position by being able to say, "Here is a Consolidation Bill. In it the Legislature gives every protection that they think necessary to every party, and why then should we attempt to introduce words into our Private Bill which the Legislature did not think necessary?"

Mr. *Dodd* suggested that provisions should be made for the full supply of gas and water wherever the natural channel of supply was interrupted by any railway.

Mr. *Kemble* hoped that the noble Lord would attend to the suggestions which had been made by the hon. Gentlemen who had addressed the House upon this subject. He had received communications from several gas and water companies, and he knew that they felt very strongly upon the matter.

Lord *G. Somerset* certainly felt the difficulty with which he had to contend in the insertion of this clause. He had, however, no objection to the insertion of some such words as those recommended by the hon. Member for Maidstone (Mr. Dodd), but he should not like to go beyond that. It would be desirable in these cases that special companies should take care of their special interests, and it must not be imagined that this Bill was at all meant to interfere with special rights.

Consideration of the Amendment postponed.

Colonel *Sibthorp* opposed the 27th Clause, and proposed as an Amendment, that the distances of five hundred and two hundred yards on each side of the line given by the clause as land which might be taken by the railway companies, for temporary occupation, should be limited, in each case, to one hundred yards.

The Amendment was not seconded, and the clause was agreed to.

Mr. *Hawes* objected to Clause 31, and proposed its omission.

Lord *G. Somerset* saw the objection to the clause; and if the hon. Gentleman would propose some Amendment, with the object of confining its meaning, and not altogether destroy it, he would be happy, if possible, to introduce it on the third reading on Wednesday next. Perhaps it would be better to allow the clause to pass in its present form, and propose an Amendment on the third reading.

Clause, with that understanding, was agreed to.

Report received.

Bill to be read a third time.

LANDS' CLAUSES CONSOLIDATION (SCOTLAND) BILL.] On the Motion of the Lord Advocate, the House resolved itself into a Committee upon the Lands' Clauses Consolidation (Scotland) Bill.

The whole of the clauses were agreed to without any opposition, and the House resumed. The Report to be received tomorrow.

House adjourned, and resumed at five o'clock.

JEWISH DISABILITIES REMOVAL BILL.] Sir *R. H. Inglis* wished to learn from his right hon. Friend on what day after Easter he intended to move the second reading of the Bill which came down from the other House that night, relating to the Jews?

Sir *R. Peel* could not exactly state on what day he should move the second reading of this Bill. He must take the Estimates on the earliest days after Easter; but after the recess, he would mention on an early day when he would proceed with this Bill. He would take care that his hon. Friend had due notice. He presumed his hon. Friend had no objection to the first reading of it.

Sir *R. H. Inglis* had no hesitation in saying, that he must on principle object to the first reading of this Bill. He knew that it was usual, in regard to Bills brought from the other House, not to divide on the first readings. Within the last twenty years, he believed that there had been but three exceptions to this rule. Had the Bill originated in that House, he should have availed himself of the earliest opportunity of opposing it; but as it came from the House of Lords, he should, in conformity with the usual courtesy, allow the first reading to pass.

Sir *R. Peel* moved that the Bill be read a first time.

Bill read a first time.

POOR LAW (SCOTLAND).] Lord *Dalmeny* said, that he rose to put a question to the right hon. Secretary for the Home Department, relative to the Poor Law in Scotland. No doubt it would be in the recollection of the House that, a short time ago, he asked the right hon. Gentleman whether he intended, during the present Session, to bring forward any measure for the alteration and amendment of the Scotch Poor Law. On that occasion, the right hon. Gentleman returned an answer couched in terms of great courtesy, but certainly not of a very definite character. He would, therefore, now repeat his question; and if it was the intention of the Government to do so, he wished to know at what period?

Sir *James Graham* replied that, notwithstanding the multitudinous nature of the business which had occupied the time of himself and his Colleagues since the commencement of the Session, he would assure the noble Lord that he had not overlooked the subject-matter of the noble Lord's question. With regard to the time, he must claim indulgence until after Easter. On the first day after the recess, he would state definitively the course which the Government intended to take.

EMPLOYMENT OF CHILDREN BILL.] Sir *James Graham* observed, that he saw that the second reading of a very important Bill stood for Wednesday next—namely, relative to the Employment of Children in calico printing works. Although it had been ordered to be printed some time ago, it was only placed in the hands of Members within the last three or four days. He considered this a very important matter, and it was desirable that Members should have ample time to make up their minds on the subject. He therefore thought that it would be desirable to postpone it until after the recess.

Lord *Ashley* observed, that he was most anxious for the passing of this Bill, not only for the satisfaction of his own feelings, but also because he knew that hopes had been excited out of doors on the subject. He could not conceive that hon. Gentlemen had not made up their minds on the subject; but after what had been said, and as Wednesday next had been given up to the Government, he had no other course to pursue than to postpone it until the first Wednesday after the recess, namely, the 2nd of April. He must, however, add that he was astonished that the Government should, after having scrutinized the principle, hesitate to limit the works now carried on for thirty-six consecutive hours.

AUCTION DUTIES]. Mr. *Bright* wished to put a question to the Chancellor of the Exchequer relative to the Auction Duties. He had received a letter from Scotland on the subject of these duties. The writer of it informed him that it was common in that part of the country to sell the farming produce on the land by a species of auction, and the custom had been not to charge duty, nor was the person who sold it obliged to take out an auctioneer's certificate. He was told that the persons who were engaged in this employment would be hardly able to take out licenses as auctioneers, and not all at the additional rate which the right hon. Gentleman proposed. What he wanted to know was, whether it were the intention of the Government to forbid, for the future, farming produce to be sold by auction on the land by persons who had not taken out auctioneers' licenses? If such was its intention, he was informed that it would be found a case of extreme hardship to many persons.

The *Chancellor of the Exchequer* replied, that he must beg to decline entering into details until he made his explanation in introducing the general question.

FLOATING BREAKWATERS.] Captain *Pechell*, seeing the gallant Admiral the First Naval Lord of the Admiralty in his place, was desirous of asking him a question respecting the floating breakwater which had been placed off Shoreham, by Captain Taylor. He found, from pilots and fishermen, and other experienced persons, that this admirable contrivance had answered every purpose, and that many vessels had taken shelter under its lee during the late gales. He wished to know from the gallant Admiral whether the Admiralty had received any report as to this great work of art, and whether any one had been authorized by the Admiralty to make such a report?

Sir *G. Cockburn* replied, that the officer in command of the coast guard near the spot had been ordered to watch the case, but hitherto he had made no report.

SIR HENRY POTTINGER.] Mr. *Hume* stated, that when the thanks of the House were voted to the soldiers and officers of the Indian army for their services in China, he had put a question to the right hon. Baronet at the head of the Government as to whether it were his intention to propose the thanks of the House to Sir H. Pottinger; he was told that the question was premature. Now that there was peace with China, and all matters in dispute settled, he wished to ask whether it were the intention of the right hon. Baronet to propose a vote of thanks to that gallant officer for his distinguished services, and also whether it were intended to confer a pension or other reward on him?

Sir *R. Peel* hoped that the hon. Member would not consider that the answer which he was about to give manifested even the slightest mark of disrespect to the gallant officer in question, of whose abilities and character it was impossible that he should not entertain the highest sense. He had often had occasion to notice the high and distinguished services of this gallant officer; but with respect to the course suggested by the hon. Member, all he could say was, that it had not been the usual course to vote the thanks of that House for civil or diplomatic services. He thought that public inconvenience might arise from adopting such a course. As for reward, Her Majesty had already marked the sense she entertained of the distinguished services of Sir Henry Pottinger, by conferring on him a Baronetcy and the Grand Cross of the Bath.

Mr. *Hume* would, after the recess, bring forward a Motion respecting the services of that gallant officer.

LANDLORD AND TENANT IRELAND.] Mr. *Bernal Osborne* wished to ask the right hon. Gentleman whether it was the intention of the Government to found any measure on the Report of the Landlord and Tenant Commissioners? Considerable anxiety was felt on the subject in Ireland, and especially in the county with which he was connected.

Sir *Robert Peel* said, that the subject was under consideration. The evidence had not been in the possession of the Government a sufficient time to enable them to determine what measures to adopt. He trusted that they would be enabled before long to lay some measure on the Table.

THE GRINDING ACT.] Mr. *Walker* observed that the Act for allowing the grinding Foreign corn in bond would expire on August the 1st. It was a matter of great importance to many persons to know whether it were the intention of the Government to renew it.

Sir *Robert Peel* replied that it was intended to renew it.

THE CUSTOMS ACTS—THE TARIFF.] The *Chancellor of the Exchequer* then moved the Order of the Day for the House resolving itself into Committee on the Customs' Duties Acts.

Sir *Walter James* wished to ask his hon. Friend the Member for Somersetshire to be good enough to postpone the very important Notice that he had on the Paper for that evening, until after Easter. He begged to say that he made the request entirely on his responsibility, and at his own suggestion, and not having spoken one word to any Member of the Government on the subject. He certainly had asked the opinion of his hon. Friend the senior Member for the City of London. As there were four Members for London, it was rather difficult to distinguish them; but he had only mentioned the matter to his hon. Friend in consequence of the high character which he bore in that House. Of course he did not mean anything personal, but merely to allude to the excellence of the opinions of his hon. Friend on commercial subjects. His hon. Friend had assured him that if the settlement of the Tariff was postponed, it would prove most injurious to the commerce of the country, and would materially affect several branches of trade. After what fell from the right hon. Baronet the other night, he thought that nearly every one would be satisfied that the Motion of the hon. Member for Somersetshire could not have any immediate effect. If his hon. Friend wished to make a protest against the course pursued by the Government, he could do so equally well after Easter as at the present moment, although he (Sir W. James) would not say that he thought any such proceeding either prudent or politic; for 99 out of every 100 men who possessed common sense, must see that it could make no difference to the county Members whether they brought forward their Motion before or after Easter. Under these circumstances, he put the question to his hon. Friend in the most amicable spirit. He respected his hon. Friend's character and station as a county Member; but he thought if he brought forward his Motion at the present time, the country would be of opinion that on his hon. Friend and those who supported him alone rested the onus of delaying this important measure, and thus clogging the course of trade for a time, and so causing considerable national inconvenience.

Mr. *Masterman* observed that as he was the old Gentleman to whom allusion had been made, he had no hesitation in rising to confirm the statement of his hon. Friend, that the delay which would arise in the progress of this measure, from proceeding with the Motion of the hon. Member for Somerset at that moment, would be attended with great inconvenience to the commerce of the country. He, therefore, would join in pressing his hon. Friend not to proceed with his Motion on that occasion.

Mr. *Miles* said, that in answer to the request made by his hon. Friends, he must observe that he hoped and trusted that the House would give him credit for always being anxious not to interfere with the progress of public business. He had considered it to be his duty not to pursue a course calculated to clog or embarrass the Government; but in that House at present it might be supposed that the agricultural interest never had an existence, and that there was nothing to be regarded but the mercantile and commercial interests. If he assented to the proposition of his hon. Friend the Member for Hull, he should be throwing away the interests of agriculture, and should be claiming that from the Government which, after the disposal of the Tariff, could not possibly be conceded.

New Zealand.] Mr. *C. Buller* wished to ask a question of the Under Secretary for the Colonies, and to say a few words on a point personal to himself. He wished to ask the hon. Member whether he intended to-morrow to bring forward the Motion of which he had given notice, for Papers respecting New Zealand, and then make a statement as to the conduct of Lord Stanley, in connexion with the New Zealand Company? He believed that it was intended that such statement should be of a limited character, and be confined to one specific matter. He thought it very hard that the hon. Gentleman opposite should attempt to represent him as converting this important public question into a mere personal matter, into an opportunity for unfairly aiming a side blow at the Colonial Minister. The Notice stood—to move for "Copies of all Correspondence between the Colonial Office and the Governor of the Falkland Islands, respecting the issue of inconvertible Paper Money;" and to this he had added—"Copies of any Instructions to the Governors of New Zealand, the Falkland Islands, or any other Colony, authorising the contraction of Debts, and the issue of inconvertible paper." He had no sort of intention of drawing the House from the subject of the Falkland Islands; and if the hon. Under Secretary thought there was any danger of this, he was perfectly ready to omit the words "of New Zealand," and leave the Motion generally, "the Falkland Islands, or any other Colony."

Mr. *Hope* had had no intention of imputing personal motives or unfairness of proceeding to the hon. Gentleman. With reference to the explanation desired, it was his anxious wish to make it as early as possible, and, therefore, if the Window Duty debate was over in good time, he would make that explanation on the next day.

AGRICULTURAL INTEREST.] Order of the Day for the House to go into Committee on the Customs' Acts. Read.

On the Question that Mr. Speaker do now leave the Chair,

Mr. *W. Miles* rose, pursuant to notice, to move, as an Amendment—

> "That it is the opinion of this House, that in the application of surplus Revenue towards relieving the burthens of the country, by reduction or remission of taxation, due regard should be had to the necessity of affording relief to the Agricultural Interest."

The hon. Member commenced by saying, that the condition of the agricultural interest and the state of the country now and in 1836, when the Duke of Buckingham moved his Resolutions on the subject of the malt duty, were far different. There was now an estimated surplus of revenue of 3,400,000*l.*; but it required no great financial acuteness to perceive that that surplus still required the Income Tax to maintain it. In the appropriation of that surplus, the right hon. Baronet at the head of the Government had given a helping hand to the manufacturing and commercial interests, and had out of that surplus voted 1,300,000*l.* as a deduction from the Sugar Duties. It was his intention to ask the House, before they consented to any further reduction or remission of taxation, to consider the state of the agricultural interests, and to see if some small benefit should not be conferred on them. But it would be said, as he had often heard it said since the present Budget was brought forward,—will not the agricultural interest be benefited, as well as the other consumers, by the cheapening of those articles of convenience, or perhaps of luxury, caused by that general declension in price which had taken place by the reduction of the duties on imports? But he would ask, in return, did not the agricultural interests contribute to the Property Tax, which the Ministers, in following out their large financial scheme, had imposed upon the country for the next three years? The owners and occupiers of land contributed a considerable portion of that sum, and therefore it was right and proper that, in one way or another, they should be benefited. Let him refer for an instant to the classes into which the inhabitants of this country were usually divided—the manufacturing, the commercial, and the agricultural. Had not everything been done to benefit the two former, while nothing at all had been done for the latter? True, the Government had stated that in the plan of remitting taxation, the object had been to benefit the consumer, and that the only direct tax which pressed exclusively upon the agriculturist was the malt tax, which, from the state of the Revenue, it was impossible to touch. In that opinion he cordially concurred; and, notwithstanding all the clamour that had been raised upon the subject, he never would ask any Administration to remit a tax which, from diminishing the annual revenue of the country, would either lead to fresh taxation, or else would place the finances of the country in a position which ought always to be avoided in times of peace, where the revenue did not exceed the expenditure. This he trusted the present Government would always endeavour to avoid, as it was only in avoiding it that the true safety of the nation rested. But—to advert again to the different interests in this country—he would ask, was not the manufacturing interest provided for, and the commercial interest provided for, while nothing whatever had been done for the agricultural interest? Though he would not ask the Government to remit that direct taxation which pressed upon the agricultural interest, yet there were other modes in which they might assist agriculture, by taking upon the general administration of the country some of those burdens which now fell upon the land. It had been said that the distress in the country was partial, and that it was confined to certain districts of the country, where, from the dryness of the season, the crops had been deficient. For himself, he must own that, generally speaking, there was a deficiency in the southern parts of the country; and he must further admit that no Ministry could control the atmospheric influences, or regulate their effects on the produce of the soil. [*"Hear, hear," from the Opposition benches.*] He did not know to what that cheer alluded. Such were his opinions, whether right or wrong; and he believed they would be assented to by the whole world. But he would maintain that the distress was not local, but general; and that it pressed upon the country even in seasons of general prosperity, though it was more this year by reason of the dryness of the season having had an injurious effect upon all the crops except wheat. And there was a singular occurrence which had taken place this year, which it would be well to notice to the House—namely, that when oats, hay, and barley were deficient, the price of meat usually got up; so that the deficiency of the crops was made up by the sale of cattle. But this was not now the case; and though the farmer was now purchasing provender at a high rate, yet, as he should be able to prove before he sat down, neither at Smithfield, Leadenhall, nor Newgate markets, nor in any of the country markets, had the price of meat risen. He could understand why the prices of indifferent qualities of meat had not risen, because of the quantities of meat that were now necessarily thrown upon the market. But he could only conceive one reason why the highly-fed animal, on whose rearing much trouble and expense had been spent, should not fetch a higher price now than in 1842. Having to assign a reason for this extraordinary circumstance, he could only attribute it to legislative movements, or to those extraneous forces recently brought to act on our markets, which before had no existence. Measures had been passed since the meeting of the present Parliament which had placed the agricultural interest in a position where good prices in a good year would not compensate them for a deficient harvest. Such were the complaints made by the farmers at the present time; and it would be necessary for him to prove, as far as he could, their case in this respect. It was necessary that he should look, in the first instance, to the duties imposed on the importation of corn in 1842, and to the prices of that period, and then that he should compare them with those years as nearly as possible similar in the average price under the law of 1828; and he would endeavour to show that under the price of 50*s.* the English farmer had not, as he thought the farmer should have, perfect control of the English market; but that large quantities of Foreign and Colonial corn entered the market when wheat was under 50*s.* at a price which rendered the situation of the farmers, particularly the small farmers, very distressing. And as they had heard much of capital being applied to farms lately, he would ask whether they wished to destroy three-fourths of the English farmers? for the great body of these men had not much capital. They looked to their own energy and industry to carry them through; and they looked to a fair remunerating price, not only to enable them to pay their rent, but to put a small profit into their pockets. Now, let the House look at the quantity of grain which had been imported, and the prices of wheat during the thirty-two months that the present law had been in operation. There had been imported during the whole period 4,778,669 quarters of wheat, and of flour 1,237,193 cwt., being upwards of 5,000,000 quarters of wheat in 1842, and upwards of 1,000,000 in each of the two following years. He also found that in 1842 the average price of wheat had been 55*s.* 10*d.*, in 1843 50*s.* 1*d.*, and 1844 51*s.* 3*d.*, the average over the whole thirty-two months being 52*s.* 4½*d.* Now, he would refer to those years which were most similar in price to the three last, but while under the law of 1828. For that purpose he took the years 1832, 1836, and 1837, and he found that during these thirty-six months, under the operation of the Act in 1828, there had only been 640,824 quarters of wheat imported; while, in the thirty-two months which had passed since the Act of 1842 there had been imported no less than 4,778,669 quarters of wheat, and 1,237,193 cwt. of flour; so that there had actually been seven or eight times more imported in the latter years than in the former, though the prices had been rather higher in the former years. This showed that Foreign corn had come in to the direct detriment of the farmer. It had been stated up to a late period, and by a very high authority, that Foreign barley would only come into this country for the purposes of grinding; and that from the delicacy of its grain and its liability to heat, it would never be used for malting purposes. But it was now certain that 1,550,000 quarters of Foreign barley had been imported; and he had lately seen as capital a sample of malt as need be looked upon made from Italian barley; while his hon. Friend the Member for Northamptonshire had lately placed in his hands two samples of malt, one made from Danish barley, the price being 31*s*., and the other being from British barley at the price of 35*s*. 6*d*.; and he would venture to say that the Danish barley was worth 8*s*. or 10*s*. more than the British. As he saw the right hon. Baronet in his place, he would merely refer to what had been stated to the right hon. Baronet by a member of a deputation that had lately waited upon the right hon. Gentleman, to the effect that that Gentleman had lately attended Reading market for six days together, which was known to be a good market for malting barley, and no offer had been made to him to buy; and when he asked some of his old customers the reason, their answer was, "Come and look at our granaries, they are quite full of Foreign barley, for which we have paid 30*s*." It was necessary now to refer to the nature of the harvests for the last few years. That of 1842 was above an average; the harvest of 1843 was deficient, though the straw was remarkably good, yet the meal was deficient. In 1844, the harvest was above an average, for though he knew it had been stated to be only an average, yet not wishing to foist on the House inaccurate statements, he would state nothing but what he believed to be true. Now, taking the months from October to June, when the farmer was able to send his wheat to market, he wished the House to see that even when wheat was under the average price of 50*s*. there had been a constant and undisturbed flow of Colonial and Foreign wheat into the home market, which acted as an incubus upon the price to the English farmer. They were told that these importations were bad speculations; that a number of the importers were ruined; but that was but poor consolation to the British agriculturist after the corn was brought into competition with his. In the year 1842, which appeared to be a good harvest, there were 2,241,230 quarters of Foreign and Colonial corn imported into the country. What was the consequence? In the month of October, the first month in which the British farmer brought his produce to market, the average price was 49*s*. 11*d*., and the importation nearly 6,000 quarters. In November, the average was 49*s*. 1*d*., and 5,000 quarters were imported. In December, the average was 47*s*. 1*d*., and 4,700 quarters were imported. In January, 1843, the average was 47*s*. 1*d*., and 6,000 quarters were imported. In February, the average was 47*s*. 5*d*., and 6,000 quarters were imported. In March, the average was 49*s*. 7*d*., and nearly 7,000 quarters were imported. In April the average was 46*s*. 2*d*., upwards of 9,000 quarters were imported. In May, the average was 46*s*. 10*d*., and11,000 quarters were imported. In June, the average was 48*s*. 8*d*., and 9,600 quarters were imported. So he found that the highest price obtained was in November, when the average was 49*s*. 1*d*.; and that the lowest was in April, when the average was 46*s*. 2*d*.; so that the fluctuation during that period was 3*s*., while during the same period 72,000 quarters of Foreign and Colonial corn had been gradually but constantly admitted to the British market, interfering, and that very materially, with the prices of the British farmer, and keeping them low. He would now pass on to the harvest of 1843, which the House would recollect he had stated as deficient. The amount of that deficiency he knew had been variously stated; but he would take the lowest at which he had heard it stated—a deficiency of one-fourth. Now, to compensate the farmer, that which he sold in the early part of 1843 at 48*s*., should, in the latter part of 1843 and the early part of 1844, have brought at least 60*s*. But had that been the case? Had there been any such rise in price as that? If it could be shown that there had been such a rise, he would at once admit that his argument was at an end. But if it could not be shown, as he well knew it could not, then he thought he had a good reason to press his argument upon the House, and to show what was the former state of English farmers, and to insist that they should be replaced, as far as possible, in that condition. You—the men of the League—have taught the farmers to read, to use their intellects, to look into returns, to argue from effects to their causes, and to know the consequences of the laws that have been passed. He would now refer to the harvest of 1843. He found that in September, as usual, there was a large importation of Foreign and Colonial corn. In October, the average price was 50*s*. 5*d*., the importation 15,766 quarters. In November, the average was 51*s*. 7*d*., the importation 28,904. In December, the average was 50*s*. 7*d*., the importation 39,394. In January, 1844, the average was 51*s*. 9*d*., the importation 8,855. In February, the average was 53*s*. 5*d*., the importation 2,725. In March, the average was 56*s*. 3*d*., the importation 3,472. In April, the average was 55*s.* 4*d.*, the importation 83,495. In May, the average was 55*s.* 6*d.*, the importation 63,988. Then there continued a gradual increase in the importation, whilst the averages steadily decreased till July, when it was notorious that a good harvest was apparent. He found that in that month, the average being 54*s.* 4*d.*, the importation was 427,623. This led to a steady declension in price till October, when the average was 46*s.* 2*d.*, and the importation was 32,172 quarters. In November, the average was 45*s.* 11*d.*, and the importation was 27,899 quarters; and in December, the average was 45*s.* 3*d.*, while the importation was 23,405. Now, he would ask, whether this immense quantity of Foreign corn, coming into the market to compete with the English farmer, was not a matter of which the farmer had a right to complain? He would now take the liberty of adverting to another matter; but, before doing so, he begged to state that he wished that there were some department of the Government which had the interests of agriculture under its peculiar care, from which they might obtain accurate statistical information; and if he might hint a suggestion, he would say, that he did not wish for a Board of Agriculture, but that some of the existing departments of Government should devote its attention to the question; so that Parliament need not look to the conflicting statements of Gentlemen opposed to each other in their objects, but might obtain ready access to accurate statistical information, which would be beneficial not only to agriculturists but also to the Government. He had in his eye a noble Friend of his, who, if such a thing were to be done, would take up the subject and carry it out as well as any other Member he knew—he meant the noble Lord at the head of the Woods and Forests. But, in default of information obtained from this source, he had, at great personal trouble and expense, obtained returns of the prices at Smithfield, Leadenhall, and Newgate markets, for every year since 1840. He would not trouble the House with all the details; they were very curious; and if any Member wished to see them, they were at his service. He wished to refer to these prices, because the House would recollect that in discussing the effects of the Tariff, it had been invariably stated that the low prices were caused by panic—that the feeling of alarm would soon die away, and that the farmer had nothing to fear. But if he could show that ever since that period the prices both of live and dead stock had gradually sank, the House could come to no other conclusion than this—that the panic was not the sole cause of the reduction in price. The average price of stock in Smithfield market was, in 1840—beef, 3*s.* 11¾*d.*; mutton, 4*s.* 5¼*d.* In 1841—beef, 4*s.* 1*d.*; mutton, 4*s.* 7*d.* In 1842, being the year in which the Tariff was passed, beef was 3*s.* 10¼*d.*; mutton, 4*s.* 1¼*d.* In 1843—beef, 3*s.* 7*d.*; mutton, 3*s.* 8¾*d.* In 1844—beef, 3*s.* 7*d.*; mutton, 3*s.* 9¼*d.* So that in the last two years, after the Tariff was passed, beef had not been a farthing more than 3*s.* 7*d.* per stone of 8lbs; and mutton had been, in the one year, 3*s.* 8¾*d.*, and in the other, 3*s.* 9¼*d.*, being only a halfpenny of difference between them. But the decline in the price of dead stock was most extraordinary. He had obtained returns of their prices, and he could rely upon their perfect accuracy. All the meats in these returns had been classified, and it was, therefore, necessary that he should state the prices of the different classes to the House. The hon. Member read the following table of the average prices of meat:—

	1841		1842		1843		1844	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
First class inferior beef	3	3¾	3	3	2	9¼	2	7
Second class middling	3	72-12	3	7½	3	2¼	3	0¾
Prime large oxen	4	1¼	4	0¾	3	7¼	3	0¾
Prime Scots........	4	5½	4	3½	3	11	3	10¼
First class inferior sheep	3	4¾	3	5½	3	5	3	2¾
Second class ditto	3	10¼	3	9¼	3	4½	3	4
Prime coarse woolled sheep ..	4	5¾	4	1	3	8½	3	8
Prime Down sheep........	4	9¾	4	6	4	2¼	3	11¾
Lamb	6	7	5	3¼	4	10¼	4	10½
Coarse calves	4	10¾	4	1	3	9	3	9¼
Prime small calves........	5	4½	5	0¾	4	4¼	4	3½
Large hogs	4	5½	4	4¾	3	5¾	3	3¾
Porkers	4	10¾	4	10½	3	10¼	3	10¾

So that, taking the prices of 1841, and comparing them with those of 1844, he found the difference to be as follows;—

Price of 1844 *compared with* 1841.

Beef.	Per stone.		Per stone.
1	8¾*d.*	Lamb	1*s.* 8½*d.*
2	6		
3	7¼	Calves.	
4	7¼	1	1 1¾
Sheep.		2	1 1½
1	2		
2	6¼	Large hogs.	1 1¾
3	9¾	Porkers ..	1 0
4	10		

They found the difference as to lamb at 1*s.* 8*d.* per stone, as to large hogs 1*s.*, and second class at 1*s.* 2*d.* So, that it was seen at once that something was acting on the markets. In his (Mr. Miles's) opinion, the first of these causes was the Corn Law of 1842—the next, the importation of cattle from abroad, which, though small hitherto, in comparison with what had been anticipated, had increased, did increase, and would increase every year. At first, the foreign cattle sent over to this country were not suited to the English market; but the foreign breeder was daily bringing them to that point, and now no animals were imported except in prime condition. He would next shortly refer to those Acts of Parliament which, as the farmers averred, were the great cause of their present distress. The first was the Act regulating the admission of Foreign corn to the English market—the Act of 1842. Had he, and those who acted along with him, then been aware that this Act was to be so soon followed up by the Tariff and the Canada Corn Bill, an opposition would have been raised to it by hon. Members fresh from their constituents, which he was satisfied no Minister could withstand, and which would have issued in better terms for the agriculturists. The right hon. Baronet at the head of the Government, however, with that tact which was so peculiar to him, made no reference to the Tariff until he had passed the Corn Bill, and consequently the agriculturists could not act on the defensive. He had supported the Corn Law of 1842, because he believed that by its means a better system of averages would be introduced for the regulation of the duty; and also because he felt satisfied that no Foreign corn could come into competition with English produce, while there was a duty of 20*s.* at the price of 50*s.* But how was that Act passed, and what took place during its progress through the House? So delighted was the right hon. Baronet with the sliding scale which he had supported so manfully while he was in opposition, that his first act, on coming into power, was to place Colonial corn under its operation—to subject it to that scale, although it had always been at a fixed duty previously. Then followed the Tariff, by which the duty was altogether removed from the importation of some of the most important articles of agricultural produce; and the first of those articles, cattle, was subjected to too small a duty—a duty also manifestly unjust, inasmuch as the highest conditioned animal was taxed only at the same rate as the lowest. He (Mr. Miles) had, it would be in the recollection of the House, taken a division on that branch of the Tariff; and every thing that had occurred since the passing of the Act proved to him the propriety of the course he had adopted on that occasion. Of the Canada Corn Bill, which immediately followed, he should only say—and the hon. Member for Bath bore him out in his statements in the speech which he made in the discussion of the measure—he should only say that, considering the immense length of the boundary line between Canada and the United States, and the difficulty, the impossibility, of watching its whole extent, that Bill was nothing more nor less, in fact, than an Act for the introduction of American corn to this country free of duty. And although hon. Gentlemen might point out that the quantity of corn that had as yet come in under it was small—only 227,000 quarters last year, if he remembered rightly—yet if they would only take the trouble to look at the annual returns of prices in the United States, they would see there enough to satisfy them that when prices became a little lower—and they were going down every day—America would be enabled to introduce as much corn as she chose into Canada, whence, having been ground by Americans, who had all the mills of that Colony in their hands, and converted into flour, the finest quality could be imported into this country at prices which it would be impossible for the British agriculturalist to contend with. It was to these measures of the Government that the farmers all through the country attributed their present distress in chief part. But there were other causes which they alleged contributed to it also; and these he should shortly refer to. The farmers complained of the poor rates, and particularly of the county rate, as most oppressive. They complained that both pressed peculiarly on them; and that they were taxed unequally for the benefit of the rest of the community. He had presented a petition from some of them, in which a very bold demand was made—namely, that the proceeds of the Income Tax should be taken, and, the country being converted into one great Union, applied to the relief of the paupers. He could not hold with the prayer of that petition; but he had abundant evidence to prove the heavy pressure of the poor rate upon the agricultural portion of the population. In the evidence taken before a Select Committee of the House of Lords on Agriculture, in 1836, Mr. Ewan David stated,—

> "I know a manufacturing establishment where 600 persons are employed, and a capital of at least 120,000*l.*, and the whole amount paid by this in poor rates, road rates, county rates, and land tax is only 90*l.* per annum—not 1*s.* 6*d.* per cent.; while, on my present occupation of 730 acres, the average number of men employed is about twenty-five, and requiring a capital very little exceeding 4,000*l.*, my poor rate, road rate, county rate, and land tax is 185*l.*, or rather more than 4*l.* 10*s.* per cent. on the capital employed, or sixty times as much as that establishment pays."

He had scarcely occasion to say anything more to show the peculiar pressure of the poor rate upon agriculture; but nevertheless, he should, with the permission of the House, read an extract from the speech of Mr. Ensor, of Melburne Court, in the county which he represented, one of the largest glove manufacturers in the West of England, on his becoming a member of the Agricultural Protection Society. He was proud to say that this gentleman—than whom there was no more sensible or honourable man—had joined that Society because he believed, and what was more, openly and honestly avowed, that agriculture required protection because of the peculiar heavy burdens which it had to bear in the disposition of local and general taxation. On that occasion Mr. Ensor said,—

> "As a manufacturer, he found that when it was well with agriculture he was getting a good price for his goods. The aristocracy and the gentry of the land were not the men who hoarded up money in the funds—they spent it, and thus spread abroad their incomes over the whole community, doing thereby a public benefit, by supporting trade, for, to use a known phrase, money, like manure, is worth nothing till spread abroad; trade created a demand for agricultural commodities, and thus they went hand in hand, both interests flourishing together. As a manufacturer, he had no sympathy whatever for the men who cried 'away with all protection.' The great cotton lords, who could beat all the world in their manufactures, might say with very great disinterestedness, 'we are for free-trade—we want no protection—let us have all things free.' But how were other manufacturers to exist over whom the foreign manufacturers possessed so many local advantages, that to admit them free would be to annihilate the home trade? If the cotton lords did not want protection, it did not follow that the silk manufacturer, the ribbon manufacturer, and the glover wanted no protection. Whilst possessing those advantages over other portions of the community, they might very reasonably be advocates of free trade; but it did not follow that other manufactures over which other countries had an advantage, should not have protection, when it was apparent to all that free trade to them would be annihilation. Now, if a portion of the manufacturing interest required protection, how much more did the agricultural interest; and he would fearlessly add, how much more did it deserve it. Peculiar burdens were imposed on land. The landed interest had to support the poor, and therefore, he said that the agricultural interest not merely required, but deserved protection. On what was the manufacturer to fall back when trade failed? Why, surely on the land which gave him birth; and if trade did not support him, the land must. He employed a large number of individuals, and sometimes he had seen the head of a family taken off, and the wife and children thrown on the world. And what supported them? The poor rate. And who paid the poor rate? The farmer. The extent of his own trade was considerable (he hoped they would excuse his speaking personally); he paid in wages almost 10,000*l*, a year, but what did he pay to the poor rate? He thought it was about 3*l.* or 4*l.* a quarter, whilst many of the farmers paid, he believed, 30*l.* or 40*l.* a quarter. He did not know what, but he knew that he paid a very small proportion; therefore, on that ground, agriculture required protection, because in other countries there were not the same burdens imposed upon the land as in England; and agriculture deserved it, because it supported and provided for the poor of the country."

Such were the sentiments, such the expressions, he (Mr. Miles) was proud to say, of a manufacturer. The farmers, as he had stated, complained of the heavy pressure of the poor rates in general; and they urged that, heavy as they seemed, hon. and right hon. Members of that House could not judge of their severity by the returns even of the poor rates, because they acted indirectly upon agriculture as well as directly. For instance, the cost of maintaining an able-bodied pauper, with his wife and family in the workhouse, was on the average 16*s.* a week; the farmers consequently came to a resolution to employ the surplus labourers in their respective districts at a rate not remunerative for these labourers, but enough to keep them from being burdensome to the Union. That, of course, had the effect of bringing down the price of labour; and an injury of the gravest nature was inflicted on those who were the least able to bear it. He had supported the Poor Law because he had believed, amongst other things, that it would raise the rate of wages; but he had it now, on the authority of the farmers themselves, that it had reduced them all over the country. The farmers, according to their own statement, found it more profitable and far better to employ able-bodied labourers at 10*s.* per week, than to send them to the Union workhouse, where the cost for maintaining them and their families would be on the round 16*s.* a week. And so wages were reduced, and agriculture still further depressed, as he had just stated. The farmers next complained of the county police rate; but as they had to thank their magistrates for that, he should not press it as a peculiar grievance on the attention of the House. He could not, however, help observing that it was the greatest nuisance he could fancy to a tenant farmer, who, living in a remote spot, never, perhaps, saw the face of a policeman for three months, to be obliged to contribute his quota towards the support of a body for watching and protecting the people and property in the towns of the county in which he resided. A large sum was, nevertheless, taken out of the pocket of the farmer for the purpose of supporting the county constabulary—in some counties in the most extraordinary manner. If he recollected rightly, that which, in 1836, amounted only to 16,000*l.* a year, in 1844 had reached to 34,000*l.* The farmers then complained of the rent charge — that is, of the amount; and they alleged that the average price which existed when the measure commuting it passed, was higher than it was at present. Their complaint was, that they paid rent charge on an average of 56*s.*, whereas the average which they obtained was only 48*s.* the quarter. He had stated the case of the farmers, he trusted, temperately and fairly; and he hoped that he had rendered their condition intelligible to the House. He had endeavoured, and he trusted not unsuccessfully, to show by returns the condition in which they stood, and to make the case plain to those hon. Members who heard him. He hoped that he had proved that not only a partial but a general distress existed in agriculture; and that it dated from, and was mainly caused by, the acts of the Administration to which he had adverted. Having done this, he would, with the permission of the House, venture most humbly to offer a few recommendations to assuage that distress, and suggest for their adoption some remedies for the state in which agriculture was unhappily placed. The first of these recommendations would cost the country nothing, if it were adopted by the Legislature, and would interfere with no existing interest. He would therefore suggest that malt should be permitted to be made for the purpose of feeding cattle. It was, from the saccharine nature of the grain and its fattening qualities, one of the best descriptions of food that could be used for the purpose; and while it would thus give the farmer an additional power to compete with the foreign breeders, it would cost the Revenue absolutely nothing if properly arranged. That branch, of the subject, however, he should not dwell on, as his hon. Friend the Member for Northamptonshire had a Motion on the subject, but leave it to the future judgment of the House. He should likewise suggest, when he saw hon. and right hon. Gentlemen expatiating on the state of the agricultural poor before their respective constituencies, that they should, if they really wished to confer a benefit on them, give their attention and their support to two measures which had been introduced to the notice of the Legislature—the one, the general Inclosure Bill of his noble Friend the Member for Lincoln; the other, the general Drainage Bill of his hon. Friend the Member for Berkshire. If these measures were carried into execution, he believed that they would afford as much practical relief to the English agricultural labourer as anything short of a healthy system of emigration. The population of the country was annually, nay, daily, increasing; but once new channels for their industry were thrown open—once the cost of passing Private Bills for enclosures and draining was put an end to, and a general law passed on the subject—there was every reason to hope that abundant food and employment would be found for all. That was, however, a hopeless case, unless the Government took it in hand, and carried it through Parliament. He would next come to a question on which he hoped the House would concur with him, for it was in vain to expect that the Government would lend him any assistance in respect to it. His noble Friend the Member for Lincoln, his hon. Friend the Member for Berkshire, and himself, had waited on the right hon. Gentleman on the subject of the project which he proposed to submit to the House; and although they were cordially received, and sufficient time was taken to consider their proposition, the right hon. Gentleman had given it a decided negative. He hoped, however, the House would sanction some small reduction, especially as he had good reason to suppose that such a reduction had been thought of at a former period by the right hon. Gentleman, with a view to giving relief. It would be in the recollection of the House that in the year 1834 a Select Committee of the House was appointed on the subject of county rates. That Committee consisted of forty-eight Members, among whom was the right hon. Baronet at the head of the Government, and the noble Lord the Member for London; and it divided itself into four Sub-Committees, to correspond with the different heads of county expenditure. Four subsidiary Reports were made by these Sub-Committees, as well as the Report which was made by the Committee at large. He would take the Report of that Sub-Committee over which the right hon. Baronet the Home Secretary presided—namely, that on criminal prosecutions. Of that Committee the right hon. Baronet was a member, and his right hon. Friend the Home Secretary, as he had stated, was chairman. The Report of that Committee referred to the Report of the Committee on Agricultural Distress in 1833, which said,—

> "The whole subject of the county rate is particularly worthy of a separate consideration. The improved arrangement of the gaols, admitting of the classification and separation of criminals; the payment of the cost of prosecutions, both at the Assizes and Quarter Sessions, not only of felonies, but of misdemeanors, whereby the want of a public prosecutor in England is now supplied; the vast expenditure on bridges for the improvement of the great inland lines of communication, an object of national importance—all these are growing charges imposed by law, levied by county rate, and borne principally by land, anomalous from the circumstance that purposes of general utility are thus defrayed by local taxation, subject to abuse, because placed under the control of authorities not personally responsible, and requiring, therefore, in the opinion of your Committee, the early and deliberate attention of the Legislature."

The Committee of 1834, after thus quoting the Report of the Committee of the former year with respect to county rates, and in order to show their pressure on the farmer, went on to describe the proportions of county rate borne by the different classes in 1833. It appeared, that to the 25th of March, 1833, the amount of poor rates raised by assessment on land was 5,434,895*l.*; on dwelling-houses, 2,635,227*l.*; on mills, &c., 352,475*l.*; on railways, canals, &c., 157,000*l.* The total amount of poor rates levied by assessment was 8,806,501*l.*, of which sum land and dwelling-houses contributed 8,070,100*l.* This was so palpable a grievance, that some redress was inevitable; and, accordingly, in 1836, it was determined by the Government of the day, that one-half the expense of the prosecutions of the country should be borne by the Government, and that they should provide for the whole expense of the conveyance of prisoners. The noble Lord the Member for London was in the Government at that time; but the noble Lord did not fully carry out the suggestions contained in the Report, for the Committee stated that if there could be a new assessment of all property to the county rate, and chattel property could be made to contribute its fair proportion, no objection could be urged to pay those expenses from a local fund; but until that course could be adopted, the Committee thought the charges for criminal prosecutions ought not to be placed upon such a fund, but ought to be transferred from the county rates to the public funds. If that recommendation had been adopted, the already overloaded calendars of the judges might have been materially increased; for if the expense of prosecutions at quarter sessions was defrayed from the county rate, while the expense of prosecutions at assizes was sustained by the Government, a bonus would have been held out to magistrates to commit offenders for trial at the assizes instead of at the quarter sessions. A law had, however, since been passed, which distinctly defined the offences only cognizable by Judges of Assize, and removed all the objections that did exist to the payment of criminal prosecutions out of the public funds. If that were necessary in 1833, it was doubly necessary now. He proposed, therefore, that only such cases should be paid for out of the county rates as could not be decided except by a jury at the assizes, and over which the magistrates had no power of decision, and that all other cases should be prosecuted at the expense of the Crown. He did not see why that which ought to have been remedied in 1833 should be neglected in 1845. The magistrates acted, in many respects, as the House was well aware, in a mere ministerial capacity to the Home Office—for instance, in respect of the prison rules and regulations, and in respect to prison dietaries—and, under these circumstances, he (Mr. Miles) thought it was not unreasonable or unjust that they should ask that the maintenance, as well as the prosecution, of all prisoners committed for felony or misdemeanor, should be defrayed by the Government who assumed and exercised all the power over them. It was, as regarded county prisons, at present a *divisum imperium;* and that being the case, there could be no difficulty, and should be no shame, in asking the Government to bear half the expense of the salaries of the officers employed in them, as well as half the incidental expenses. It would, doubtless, be but a small sum; but it would ease the county rates, however little; and it should be remembered that the burden to be lightened was one which was felt more by the humble cottager, perhaps, than by any other member of the agricultural community. It would also be satisfactory in another point of view, as it would be the recognition of a principle, namely, that the Legislature looked to the interest of the land as well as to other interests. There was another small item which he should ask to have taken into consideration, viz., the expense of coroners' inquests. It was now about 48,000*l.* a year; but the system operated very unequally, being in the maritime counties, where dead bodies were frequently washed ashore from wrecks, particularly oppressive. All he asked was, that one-half of the expense should be borne by the Government. Another subject, which was a most obnoxious and expensive item in the county rate, was the printing of the registries of votes. It formed a considerable annual charge upon counties, and nevertheless these registries were never looked at except on the eve of an election. For all useful purposes in the intermediate time, they were but so much waste paper. But the clerk of the peace was, notwithstanding, obliged to prepare them, although there was no special enactment on the subject; because, on one occasion, a Committee of that House had decided that he would be liable to prosecution if he failed to print and publish them in their present form. He had stated in general terms that the total expense of the whole of these ameliorations would be 400,000*l.*; but on looking more closely into the subject, he was induced to come to the conclusion that, as far as regarded England and Wales, and giving every latitude to his calculations, it would not exceed 275,000*l.* Of course, something should be done for Scotland; but, on one branch of the question, namely, criminal prosecutions, there would be no need to make any alteration in the law as it stood, because about two-thirds of the expenses there were paid out of the public purse. Therefore, including Scotland, he (Mr. Miles) had every ground to conclude that 350,000*l.* would be the outside of the whole expense that would be incurred; and that that sum would cover all the ameliorations proposed. But it might be said that the inequality of local taxation that existed in 1834 did not exist at present: to that he (Mr. Miles) should answer, by referring the House to the report of the chairman of the quarter sessions of Leicestershire, to which he had alluded. No man was more competent, from his position, to give sound information on the subject than that gentleman, and he should, therefore, read that part of this document which more immediately bore on the question. It appeared, then, that the total rateable value of the county of Leicester in 1844 was 850,391*l.*, producing, at 1*d.*, a sum equal to 3,543*l.* 5*s.* 11*d.* Of this, shops, public-houses, and warehouses would produce, at 1*d.*, 90*l.* 13*s.* 8*d.*, or about one-fortieth; factories, mills, print, and bleachworks, at 1*d.*, 23*l.* 8*s.* 1*d.*, about 1 or 1·154; and gas-works, quarries, water, railways, tolls, &c., at 1*d.*, 26*l.* 7*d.*, or about 1·136. So that to a total expenditure of 3,543*l.*, only 140*l.* was borne by property not being land. The inequality which existed in 1834, therefore, was not lessened in 1844. He (Mr. Miles) had thus endeavoured to bring forward the state and condition of agriculture as it existed at present, and to show that the distress which prevailed in that branch of the national industry was not local, but general. He had pointed the attention of the Government and the Legislature to certain enactments, which, he believed, would be for the benefit of the agriculturists; and he had proved, he trusted, that the particular pressure now felt by them was owing to the poor rates and the county rates—especially the latter—in conjunction with the causes which he had previously stated. Hon. Gentlemen little knew the state of the country if they were not aware that the measures of that House were closely watched by the people, and that their constituents were actively on the watch to see whether their respective Members were disposed to carry out measures beneficial to their interests. They watched anxiously to ascertain whether the Government would carry out those tardy measures for the advantage of that body which had placed the right hon. Baronet in office; and they were not slow to observe and to appreciate the acts of the Legislature. Hon. Gentlemen might say their rents were paid, and so, doubtless, they were in most cases; and hon. Gentlemen might deduce from that fact that the present distress was transient in its nature. But he was perfectly satisfied, from the information that he had been able to procure, that there had not been any profits made during the last two years by agricultural industry, and also that in many places a portion of the farmers' rent was yet unpaid. He could assure that House that there was a great want of confidence among the agriculturists in the measures proposed by Government. They said that any position was better than that they occupied at present; and they alleged that the word "protection," so often employed by the right hon. Baronet when he sat on the other side of the House, was now seldom or ever used by him, and not at all practised. They also averred that the few words which that right hon. Baronet had given to agriculture at the close of his financial statement, had filled them with the deepest distress. On that occasion the right hon. Baronet said,—

> "I know it will be said that the principles I have laid down are capable of much farther extension, and that I ought to have been led, in deference to those principles, to still more extensive reductions in taxation."

That observation was loudly cheered by hon. Gentlemen at the other side of the House:—

> "But," continued the right hon. Gentleman, "it is our object, while we establish good principles, at the same time viewing the state of society—the magnitude of the interests involved—the consequence to those interests of hasty and rash interference—our avowed object is to realise the utmost degree of good without the disturbance or alarm of interests which cannot be disturbed and cannot be alarmed without perilling the industry of this country."

The agriculturist, however, saw the Tariff of three years previous revived; and they saw in it several articles from which the duty had been removed that had formerly entered into their profits. What was there, then, to prevent the Corn Law coming next? But, most fortunately, the speech of the right hon. Gentleman the First Lord of the Treasury had been followed by one which in some degree relieved their fears, and which had been uttered by his right hon. Friend the Member for Wiltshire (Mr. S. Herbert), on his recent appearance before his constituents. The hon. Member for Durham (Mr. Bright) on a previous occasion quoted only part of this speech, and he (Mr. Miles) should commence his quotation where the hon. Gentleman left off. The right hon. Gentleman said,—

> "He then thought that the amount of protection was so excessive that it could not be maintained—that 20s. duty was more than could be maintained, because no foreign nation could pay it; but he frankly owned that in this he was mistaken, for he did not think that that protection was one bit larger than it ought to be; and he did think that there was this advantage in the present law—that it rallied round it many who would not have rallied round it if that protection had been larger, while no one could say that that protection was too large, looking at the burdens on agriculture; besides, it gave a greater stability and firmness to the law; and he did hope, and he believed, that there was among the people of this country, as there certainly was in Her Majesty's Ministers, a determination to uphold the Corn Law."

This was precisely what the landed interest wished to do. This was exactly the way the farmers of England wished to be treated. They wished a frank and open avowal of what the sentiments of Government were. He (Mr. Miles), for one, could not doubt those of the right hon. Baronet (Sir R. Peel), because, in answer to an appeal from himself last year, the right hon. Baronet stated he had no intention of tampering with those laws of his own creation; therefore, it would be most unworthy on his (Mr. Miles's) part to harbour any doubt upon the subject. Still, he was bound to express the sentiments of those on whose behalf he was then upon the floor of the House; and he was, therefore, impelled to say, that an enunciation of the determination of the Government to uphold the Corn Laws as they now existed would do much to pacify the minds of the farmers, and to restore confidence in the Administration. One word more. He always liked to deal fairly and candidly. At the instance of many friends, he had brought forward his present Motion; but he felt it right to say, that it was not done with the general assent of the agricultural body. He had now done. He had thought it necessary to state the sentiments of the farmers of England to that House—he had thought it right to act consistently up to his own principles and opinions—and they were tolerably well known in that House. He had freely asserted the sentiments which were rife out of doors, and he should sit down with a grateful feeling to the House for the kindness with which it had listened to him, and with the feeling, also, that, having conscientiously, though no doubt feebly, done what he conceived to be his duty, it would be for the constituencies of the country to say whether he was right or not in bringing forward the Resolution he then had the honour of placing in the hands of the Speaker.

The Earl of *March*, in seconding the Motion, said that, after the very able speech of the hon. Member for Somersetshire, and the details he had entered into, he should not trespass long on the attention of the House; but representing as he did a large agricultural constituency, who exacted no pledge from him on the hustings, but who knew his firm and fixed determination to uphold the agricultural interest, he felt he should not be doing his duty by them, if he did not rise on the present occasion to state his entire concurrence with the Motion of his hon. Friend. The circumstance that protection to agricultural produce had, in the last few years, been reduced to so great an extent by Parliament—to an extent, in his opinion, greater than was called for, or than was compatible with the best interests of the country—gave the agriculturists a right to ask, not as a boon, but as an act of justice, that they should be relieved from a great portion of the burdens of local taxation which pressed most heavily on them, and on the inhabitants of the poorest cottage, and which sat but lightly on the wealthy millowner. If he had thought, when the new Corn Law was brought in by the right hon. Baronet, that it was to be followed by the Tariff and Canada Corn Bill, no power on earth would have induced him to vote for it. He conscientiously believed that great distress existed among the tenantry of England, and was not confined to any particular localities; in proof of which he would advert to the large deputation which waited on the right hon. Baronet from many counties, and to the numerous petitions presented to Parliament. He asked them most earnestly not to resist the appeal which had been made to them; to rescue the yeomanry of England, without loss of time, from the distress they were suffering. They did not ask them to endanger the prosperity of other classes of their fellow-subjects for their benefit; but they looked to Parliament for aid and assistance in their time of need and depression, and he trusted most sincerely they would not appeal in vain. He most heartily seconded the Motion.

Sir *J. Graham* said: Sir, it is my duty to rise on the present occasion to declare, on the part of Her Majesty's Government, their intention to resist the Motion which has just been made by my hon. Friend the Member for Somersetshire, and which has been seconded by my noble Friend the Member for West Sussex. And in doing so, although it will be my duty to comment with the freedom which our debates absolutely demand, on some of the arguments adduced by my hon. Friend and also by my noble Friend; yet, I need not say, that, entertaining for them, as well as for the Gentlemen with whom they act, the highest possible respect, I shall deeply regret if one word even should fall from me calculated in the least degree to cause pain either to my hon. or my noble Friend. Having made this very short preface, I think it is desirable that I should next discharge from the question under discussion everything that is extraneous to the matter of debate. In the first place, I would observe that we are not to-night discussing whether protection should be given to the agricultural interest. Upon that point I have the strongest possible feeling. I retain the opinion for which I have often contended in this House, and which I am prepared to contend for again, that, consistently with the interests of the entire community, protection must still be afforded and maintained for the agricultural interest. We are not to-night discussing whether this protection shall still be continued. Neither is the quantum of that protection now the subject of debate. My hon. Friend who brought forward this Motion has entered into very lengthy details with reference to the importation of corn, and with reference to the price of corn at different periods, and has laid the foundation, as it would appear to me, not for a narrow Motion like that we are now discussing, but rather as I should say for a Motion to repeal the existing Corn Law—at all events for a repeal of the Canada Corn Bill—and more certainly still, for a reconsideration of that portion of the Tariff which admitted the importation of live animals at a moderate duty. It is not my intention on the present occasion to go into many details with respect to the Budget, which, had it not been for this Motion, we should now have been proceeding to discuss in Committee with reference to some of its more important items. But still my hon. Friend has stated that the Government in his opinion are tardy in doing justice to the landed interest; and he alluded in the course of his speech to that which I always listen to with feelings of sorrow, namely, the distress which prevails among different classes of the community. My hon. Friend said, that the community is divided into manufacturing, commercial, and landed interests. He said that with respect to the last-mentioned interest, the Government were indisposed to do it more than tardy justice; it is my duty, therefore, before proceeding further, shortly to call the attention of the House to what has been the financial policy of Her Majesty's Government. Certainly it has not been directed exclusively to the benefit of the landed interests. They have had to consider, under difficult circumstances, with great care and caution, the position in which they found affairs in reference to the interests of the entire community; and very shortly, with the permission of the House, I will notice what I deem to be the most important portion of the inquiry. When we came into office we found a very considerable deficiency in the Revenue as compared with the Expenditure. It was a deficiency that was not casual or accidental, but one which had existed for some years. And I now see opposite my right hon. Friend (Mr. F. T. Baring), who in the strongest manner deprecated the continuance of any such deficiency, as, in his opinion, quite inconsistent with the safety and the honour of the country. No person could more fairly or manfully avow his opinion that a great effort was necessary on the part of the country to retrieve a state of financial embarrassment, which, if continued, was, as he said, and as I say, entirely inconsistent with the public honour and national safety. The right hon. Gentleman and the Government, of which he was a distinguished Member, did attempt to apply a particular remedy; and if the power of consumption on the part of the great body of the community had not been considerably impaired, I for one can see no reason why the measure then adopted by the right hon. Gentleman should not have been successful. The course pursued by the right hon. Gentleman was to levy a proportionate increase of duty on the Customs and Excise, those two great branches of the public revenue that most clearly indicate the prosperity and consuming power of the great body of the people. The right hon. Gentleman proposed an increase of 5 per cent. on all the Customs and Excise duties, and at the same time proposed an increase of 10 per cent. on the assessed taxes, the assessed taxes differing essentially in their operation and effects from the Customs and Excise, being in the nature of a direct tax, and, more in the nature of the Property Tax which we have since adopted. Now, Sir, the effect of that proposition of the right hon. Gentleman was well worthy of remark. The addition of 5 per cent. on articles of consumption on the Customs and Excise, so far from producing an increase of revenue at all corresponding to the 5 per cent., left the deficiency very much as it found it. Upon the sum of 24,226,758*l*., instead of producing an increase of 5 per cent., the sum actually collected was 23,515,374*l*. thus leaving still a growing deficiency which amounted to 700,000*l*. on the Excise and Customs alone. And what was the effect of the addition of 10 per cent. on the assessed taxes? Not only the reverse of what was expected, but the full amount of the 10 per cent. was levied on the assessed taxes, and the increase of 311,000*l*. occasioned by the 10 per cent. was paid into the Exchequer; but although the assessed taxes were increased by additional imposts to the extent of 430,000*l*. showing that the 10 per cent. had no unfavourable effect on those taxes, there was still a positive addition to the amount of the gross deficiency on the taxes levied within the year. Now what was the practical lesson which this state of affairs brought to the attention of the Government? It convinced them of one serious truth, that the limit of indirect taxation, if it had not been absolutely reached, was certainly almost attained, and that in any effort which might be made to restore the finances of the country, indirect taxation ought not to be pressed further, but that direct taxation must be carried to a greater extent. Consequently, in the year 1842, my right hon. Friend at the head of the Government made two propositions. He proposed the imposition of the Income Tax, whereby he felt confident, not only that the annual demand for the Public Service would be fully met by the income of the year, but an available sum would remain, to be applied to the remission of indirect taxes. The amount of the taxes remitted by the measure proposed by my right hon. Friend, in 1842, and bearing principally on raw materials, was no less than 1,135,000*l.* Among the principal articles of raw material from which a large amount of duty was removed was the article of timber. The general benefit of the remission of duty upon timber was not admitted by my hon. Friend the Member for Somersetshire to the full extent which its importance demanded. The benefit is this —it is impossible to remove a heavy duty, affecting a raw material which enters into very general use, without relieving not only the parties more immediately concerned in the manufacture into which that raw material enters; but, also, it is at the same time absolutely certain that that relief will be felt by the entire community, and the landed interest will have a share of it, not less but greater than the other portions of the community. The effect of the remission of the duty upon timber has been much canvassed, and great fault has been found with it by hon. Gentlemen on the other side of the House. I admit that, from various circumstances, the effect of that measure has not yet been so widely felt as is desirable; but at the same time I have great pleasure in stating that I have a return in my hand, made upon the best authorities in Liverpool, by which it appears that the effect has been a reduction in the price of Memel timber in the present year as contrasted with the price in 1841—and I take the mean price—of no less than 6½*d.* per foot; and as compared with the year 1842, when the alteration took place, there is a reduction of no less than 4¾*d.* per foot. With reference also to Canada timber the reduction has been considerable, amounting to upwards of 7*d.* a foot. Let me also observe, that no portion of the community have a deeper interest in this lowering of the price of timber than the landowners of this country. From circumstances they are compelled to repair all the farm-buildings on their estates. They are in fact among the greatest consumers of timber in the country. The total reduction on raw materials, then, including 600,000*l.* for timber, in 1842, was 1,135,000*l.* My right hon. Friend also proposed a remission of the duties upon articles of consumption which amounted to 240,000*l.* upon coffee, and 86,000*l.* upon other articles of consumption and manufactures, together amounting to 317,000*l.* Then there was the remission of duty upon exported manufactures; and, after making an abatement of 114,000*l.* for the duty on coal, the balance of the remission of duties in 1842 was in favour of the consumer to the extent of 1,438,000*l.* From circumstances into which it is not now necessary for me to enter, in the year 1843 no further remission of duty was proposed; but in 1844 my right hon. Friend proposed a remission of the duty upon wool, which amounted to 100,000*l.*; of the duty upon currants, 91,000*l.*; and of the duty upon coffee, 82,000*l.*, making in that year a total remission of duty to the amount of 273,000*l.* Now, here again, in this remission of duty in 1844, there is a fact well worthy of the particular notice of my agricultural friends. The remission of the duty upon wool appears to be small; but, I speak with confidence that—as compared with the sum now sought to be obtained by my hon. Friend the Member for Somersetshire, as direct relief from the Exchequer in aid of the county rate—a small sum certainly—nominally small in amount, yet in principle, as I hope to show before I sit down, not unimportant—the relief granted by the remission of the wool duties has been an advantage in a directly pecuniary point of view to the landed interest greater by three or four times the amount, as contrasted with the proposition of my hon. Friend. The price of wool in fact has gradually risen from the time that the high protective duty was removed. If you look at the returns from 1820 to the present time, you will find that from 1824, when the higher protecting duty was imposed, there was almost a regular succession of years during which the price of British wool gradually declined and fell; and that in different years, from the time when the protective duty on wool, which before was almost prohibitory, was reduced, from that very period the price of British wool improved; and at the present moment when

I am speaking, after the entire remission of the duty on foreign wool, with the exception of one or two years from 1820, the price of wool per pound is higher now than in any former year. I must now go on, and, in passing, observe to the House, that the effect of the measures proposed by my right hon. Friend in 1842 and 1844, taken in conjunction with the propositions which we are now discussing, will prove that with reference to the entire community, large remissions of taxation have been effected, and effected in a manner which, I believe, will greatly contribute to the future, and indeed to the immediate prosperity of the landed interest, regarding them as an integral part of the community, not dealing with them separately, but in a manner entirely unexceptionable, and yet in a manner which can excite no jealousy, because it will be a benefit common to the entire nation. The proposition with respect to sugar, to which my hon. Friend says he does not offer any opposition, but which as a whole he considers to be a boon, will, if carried into effect, be a remission of taxation of no less than 2,306,000*l.*, that is, upon the article of sugar alone. The remission of duty upon cotton will be 680,000*l.*; upon other materials of industry, and partially manufactured articles included in the Bill upon which we are going into Committee, 320,000*l.*, and upon coals and minor exports, 125,000*l.*, making altogether a remission of indirect taxation for the year of 3,431,000*l.* Now add to that the remission of duty in 1842 and 1844. In 1842, there was a remission of 70,000*l.* of the duty on stage coaches; in 1844, on glass, 45,000*l.*; on vinegar, 25,000*l.*; on marine insurances, 130,000*l.*; and in the present year, on glass 642,000*l.*; and on auctions, 250,000*l.* This has reference to the remission of excise duty, and the amount is 1,162,000*l.*; add to it the amount of the Customs' duties repealed in the three years—viz. 5,142,000*l.* and you will find that the effect of the propositions of Her Majesty's Government made by my right hon. Friend is a remission, in the last three years, of an annual sum not less than 6,304,000*l.* of taxes directly affecting the whole body of consumers in the country. To enable us to make these reductions we have imposed an income tax, from which, however, we exempt every person whose income is less than 150*l.* The general effect of these changes, therefore, has been not only to reduce the deficiency in the revenue, but to make the income of the country equal to the expenditure, and at the same time, it will be seen by reference to the items of expenditure to be brought under your consideration in the Estimates, to justify us in asking for the large additional sums of 900,000*l.* for the navy, and 300,000*l.* for other branches of the Public Service. While, therefore, 6,300,000*l.* has been remitted to the consumer, the imposition of the Income Tax will place the revenue of the country on an equal footing with the expenditure, even although the latter, for great national objects, be considerably augmented. My hon. Friend the Member for Somersetshire has asked, in the terms of his Motion, that the landed interest should participate to a small extent only in that surplus of income which will remain out of the taxation of the year after all the claims upon it are satisfied. He founds his claim to this participation on the ground, in the first place, that the landowners contribute in an extraordinary proportion beyond that in which the other classes in this country contribute, towards the Income Income Tax; but if the hon. Member will look at Schedule D of the Income Tax, he will find that although land certainly does bear its share of that impost, the professional incomes and commercial gains of all the classes who are not comprised within the term "landholders" contribute a very large proportion of that tax. My hon. Friend's second position is, that land is entitled to the boon he asks, because, whilst commerce and manufactures throughout the kingdom are in a most flourishing and prosperous condition, the agricultural classes are in a state of great depression and of distress. My hon. Friend certainly qualified his assertion to some extent by admitting that this depression did not extend to Ireland; and I believe, indeed, that it is generally admitted by hon. Members from that country, that last year was one of unexampled prosperity and abundance. Indeed, I myself can testify, that so far from there being any agricultural distress in Scotland and the northern counties of England, the farming classes there are in a state of great prosperity, their rents have been faithfully paid, and in some instances where arrears were due they have likewise been paid up within the last year. I certainly did at one moment think that my hon. Friend intended in his speech to lay the foundation for a Motion of a much larger demand than that which he has made; and if his arguments are worth anything at all, the question ought not to be whether the House will give 200,000*l.* or 300,000*l.* to the agricultural interest, but whether the protection which the land receives is sufficient to enable it to cope with its difficulties; whether the Corn Laws ought not to be repealed, and replaced by others giving more protection; and also whether the Tariff and the Canada Corn Law ought not to be revised. My hon. Friend went at great length into details and statistics connected with this question, in order to show what the importation of Foreign corn under the present system of duties has been; and he drew a comparison between the three years immediately preceding the introduction of the Corn Laws of 1828 and the last three years, in order to prove that the importation has been much greater during the latter period than during the former. But I must draw my hon. Friend's attention to the admitted, the indisputable fact, that the production of corn in this country is in many seasons far short of the quantity absolutely required to supply the nation with bread; and what, let me ask the hon. Member, would be the situation not only of the nation, but of the agricultural classes themselves, if owing to such restrictions as those to which he refers the population of England were debarred from procuring food in sufficient quantities? Is the hon. Member aware of the ratio in which the population of England and Wales annually increases? Is he aware that there is a regular annual increase in the population of 380,000—more than 1,000 in every twenty-four hours? And if the population of England increases in this ratio, must not also the importation of corn increase, since the quantity produced by the land has been admitted to be inadequate to the demand for some years past? Indeed, so convinced am I of the vast importance of an adequate supply of corn being imported in order to make up for the admitted deficiency in our own production of that first necessary of life, that I should anticipate only some frightful convulsion, which would be fatal alike to the landed as it would be to the commercial and monied classes, if any measures were devised by which this occasioned supply was prevented from reaching us. My hon. Friend next went into the whole question of farming; but, although I am ready to follow the course of his arguments as far as I can, I am not prepared to make this question a Corn Law debate, as all I had looked for on my hon. Friend's part on the present occasion was, a demand either for some special protection, or a remission of some of the taxes which press particularly upon agriculture. He dwelt, however, at some length on the case of the farmers, and referred in particular to the importation of barley and oats. Now, these are both of them articles of prime necessity to the farmer, and the importation of them, under the existing production of the country, has been steadily maintained at somewhere about a million of quarters a-year. But in what manner has this importation gone on? Have these articles of consumption been suddenly introduced at moments when the duty has been very low? Has the importation been so managed as to benefit the importers, by being thrown upon the market immediately previous to the harvest? Not so. The importation of barley has been regular in amount and in its periods; it has gone on from week to week during the whole year, and the duty has been regularly paid, and the barley brought to market, whether that duty was high or low. [An hon. *Member:* How much duty has been paid?] The hon. Member asks me how much duty has been paid on these articles. The quantity of barley imported in the last year was 1,028,000 quarters, upon which there was paid a duty of 205,000*l.*; and this importation went on, as I have already stated, steadily and regularly, not being stimulated or retarded to any observable degree by the state of the markets here. I hold in my hand a Paper, which was moved for by the hon. Member for Norfolk, containing a return of the price of barley during the ten years extending from 1835 to 1844 inclusive, and I find, that with the exception of two years, the price of barley averaged annually during the whole of that period 33*s.* 8*d.* a quarter; and that it was higher in 1844 than during any preceding year; and in the two years that I excepted from this average it was only 1*s.* a quarter less than the price I have quoted. These facts of themselves would suffice to show that there has been a great improvement in the circumstances of the great body of the people. They prove, likewise, that there is an increasing power of consumption constantly increasing together with the increase in the population; and, so far from the agricultural interests being in the slightest degree sufferers from the circumstances to which I have referred, they not only are not damaged, but they are protected, as the price proves to the full extent contemplated by the law. My hon. Friend the Member for Somersetshire next went into the question of the Canada Corn Bill; and he declared that measure to be quite inconsistent with the protection which the agricultural interest had been taught to expect at the hands of my right hon. Friend, asserting as an argument on this point, that the quantity of corn imported from Canada affected the price of all the corn grown in England. Now, I do not subscribe to this sentiment of my hon. Friend. I still retain the opinion which I originally expressed, and believe that the Canada Corn Bill was a most useful subsidiary measure to the Corn Law of 1842. The effect of the sliding scale, I need scarcely remind the House, is to lay the market open in a certain degree to the operations of speculation in corn, at the critical juncture immediately preceding harvest. Between the periods when the stock of old corn runs short, and the corn of the approaching harvest has not yet been brought to market, there are a variety of means taken to run the prices up to a high pitch, to the detriment of the community at large, in order 'that advantage may be taken by means of the sliding scale to introduce a quantity of foreign grain at the lowest possible duty and at the highest possible price. This operation always takes place before the result of the harvest is generally known, for when once that is ascertained the speculators of whom I speak run the chance of seeing the prices go suddenly down, so as to involve them in loss. Having stated the danger to which the sliding scale exposes the community, let me now state what the safeguard is. In the month of April, till which time the St. Lawrence is closed, all the corn that is intended for the English market is prepared and ready to be shipped at the Canadian ports the moment the ice permits the vessels to sail. It arrives in this country at the critical period of June, the moment when the speculations to which I have just referred are in progress, and the Canada corn holds them completely in check, keeping the market supplied until the new corn comes in. But, whatever effect the importation of corn from Canada may have in other respects, it is perfectly clear that it cannot have any great effect upon the price of English wheat. What are the real facts of this question, to which my hon. Friend has alluded in such strong terms? In the year 1844 the quantity of corn imported from Canada, as truly stated by him, was 227,000 quarters. What will the House suppose was the quantity imported in 1841, the year before the Canada Corn Bill was passed? I have no doubt it will be thought by those who are not conversant with the facts to have been much less; at all events, no one will for a moment conceive it possible that it was greater; and yet what is the fact? Why, that the quantity in 1841 was greater by 30,000 quarters than the importation of 1844; the whole quantity of Canada corn imported in 1841 was 241,000, whilst the quantities imported in the years 1842 and 1843 did not materially differ from that of the last year. My hon. Friend the Member for Somersetshire, in the next branch of his argument, proceeded to show that the agricultural classes had some claim for relief out of the Consolidated Fund, on account of the losses to which they had been subjected by the operation of the New Tariff of 1842. Now, this is a matter which fortunately admits of being tested in the most efficient and satisfactory manner by figures and facts. My hon. Friend is in want of statistical information on this point. He requires to know the number of live animals imported under the New Tariff. But what are the facts of this importation? I see my right hon. Friend the late President of the Board of Trade on the other side of the House, and whom I would rather see still sitting by my side—and I recollect that when he was stating what he considered the maximum of importation from abroad of cattle, he admitted the possibility that 50,000 might come over in one year. His prediction was more bold than accurate. What has been the case? Why, the whole number of cattle, fat and lean, imported in the year 1843, only amounted to 1,482, and of swine there were 361; whilst in the first six months after the New Tariff had come into operation the number of cattle brought over was 4,076, and of pigs 410. During the year 1844 there certainly has been an increase upon the importation of the preceding year, and perhaps that has produced an alarming effect upon the agriculturists alluded to by my hon. Friend, for the number of cattle imported from all parts of the world in the last year was 4,865, being 800 more than in 1842; but then the number of swine imported was much smaller than in any preceding year. From practical experience, I am convinced that a steady annual importation of 10,000 head of cattle from abroad would produce no effect whatever upon the markets in this country. But this is not so much a question of importing 10,000 or 20,000 or 300,000 head of cattle, as a question of the state of the manufacturing districts; and no course that you can take as to the Tariff, can have much influence compared to the condition of the people in those districts. Nothing would produce such a great and immediate effect upon the price of meat as the prevalence of low wages throughout the manufacturing districts, which would effectually prevent those classes who inhabit them from consuming beef and mutton. I speak upon this subject from a personal knowledge of the facts. The county with which I am connected is not very far distant from the manufacturing districts and the town of Liverpool; and all the surplus produce of that part of the country, by the magic power of steam, can now be sent from the north of England, in a space of time incredibly short, into the very heart of the manufacturing districts. To the farmers in that part of the country this state of things has given rise to a new and very important question; and the question with them now is, what is the state of trade at Manchester, and not what is the amount of cattle imported? I am satisfied that, as relates to the great body of the graziers and producers of fat cattle in this country, it is not the apprehension of importation from abroad which ought to arouse their fears or disturb their feelings; but that which they have to fear is, lest the great body of the manufacturers should be reduced to poverty and destitution, which would reflect upon the farming interests that distress which cannot exist in one class wthout affecting all. My hon. Friend next proceeded to dwell upon another important branch of his subject, in consideration of which he claimed that moderate amount of assistance to which his Motion is limited; and I must certainly say, as a landed proprietor, that I never could have anticipated so small a boon would have been asked on behalf of so great an interest as that represented by my hon. Friend. The hon. Member dwelt on the large amount of poor rates paid by the landed interest as compared with the sums levied on this account upon other species of property. Now, I beg to call the attention of my hon. Friend, and that of the House also, to some facts which will demonstrate that the landed interest has no claim whatever on this ground to receive any additional relief from the Government beyond the protection which they already enjoy. I shall state one short fact to the House. I am about to call your attention to the very large extent to which the particular burden referred to by the hon. Member has been reduced. I know that what I am about to state will afford grounds for charging me with having oppressed the destitute and distressed by enforcing upon them the strict operation of the Poor Law. This, however, is not the time to combat such charges, or to prove that I have acted rightly. I have combated them before, and I shall be prepared to do so again, when the occasion arrives. My present object is to show to the hon. Member who brought the Motion before the House the very large amount of reduction that has been made in the poor rates, and the consequent profit that has resulted from this circumstance to the landlord without any real injury to the industrious, honest labourer. I call the attention of the House to these facts. In the year 1813, when the population of England and Wales was 10,505,886, the total amount collected for the poor and county rates was 8,646,841*l.* In the year 1844, when the population of England and Wales amounts to 16,543,010, the amount levied for the poor and county-rates together does not exceed 6,848,717*l.*; or, in other words, whilst the population has increased one-third in the interval, the burden of poor and county rates has diminished in an equal ratio, the amount now collected being less by one-third than the sum levied in 1813. Looking at this question in another point of view, the amount levied for poor and county rates was, in 1813, 16*s.* 5*d.* a head, upon the whole population of England and Wales; it is now reduced to 8*s.* 3*d.* a head. I have thus shortly instituted this comparison; but it is not altogether a fair one, in so far as the particular circumstances which characterised the epoch of 1813 are taken into account. The paper currency of the Kingdom was then in a depreciated state, and consequently the value of money was not the same as it is at present. But there is as complete a case to be made out in favour of the latter period, if we even revert back only so far as the years 1825 or 1826, when the currency was restored to a gold standard, and money was of the same value that it now is. In the year 1827, which is sufficiently far back for the purpose of establishing an unexceptionable contrast, the poor and county rates were 7,784,000*l.*; in the year 1844 they were, as I have already stated, 6,848,717*l.*, showing a difference in favour of the last year of nearly 1,000,000*l.*, notwithstanding the vast increase in the population during this interval. I only mention these facts incidentally, because the landed interest, amidst their complaints, have entirely lost sight of them; and they ought always to bear in mind that as the first charge upon the land is for the maintenance of the poor, so the effect of any reduction in that burden is immediate and to their lasting benefit; and when that reduction can be shown to be so great as I have proved it to be, the result is not only palpable, but direct. Now my hon. Friend—I do not say unfairly—is impeding the House, by his Motion, from going into Committee on the Customs' Act, the first step in which will be to repeal the duty on cotton. In the district in which I live, hand-loom weavers abound mixed with the rural population. It has been stated, and most truly, by my right hon. Friend at the head of the Government, that this tax upon cotton operates most unfairly upon hand-loom weavers. The hand-loom weaver is the manufacturer of those particular articles into which the raw material enters most largely, and in the manufacture of which, when he exports the commodity so made, he meets his foreign rivals in neutral markets at the greatest disadvantage. When the manufacturing interests are distressed, I know the destitution of the hand-loom weavers to be extreme. The hon. Gentleman the Member for Knaresborough quoted something which fell from me with reference to the Poor Laws in 1839. I was then Chairman of a Board of Guardians, and I did state to the House that if a peremptory order for refusing out-door relief had been in force, I for one — witnessing as I did the distress of the hand-loom weavers —a distress which existed to an extent that was heart-rending to contemplate—I, for one, would not have remained responsible for the administration of the Poor Law within the district over which that Board had control. I stated so then, and I repeat that statement now. I only mention the fact, as a proof that the condition of the manufacturing community is closely interwoven and intermixed with that of the agricultural interest. In the Union to which I refer there are no large manufactories—there is no congregation of multitudes in large towns—but, as is the case in many northern towns and districts, the hand-loom weavers occupy cottages—they have their looms in their cottages, and make their wives and children subservient to aid them in their labours; and they often work from fifteen to sixteen hours per day, I am sorry to say, at no higher wages than 5*s.* or 6*s.* a week. I say that it is impossible in periods of distress that any law could be carried into effect which would peremptorily deny relief to those in that terrible condition. And whence does that relief come? It is drawn, as the House well knows, from the land; and I know no mode in which you can better give relief to all classes, as you have already done in the case of wool, than by repealing the duty on cotton. You will directly benefit the landed interest, in a pecuniary point of view, by a remission of the duty, to say nothing of the direct and palpable benefits which such a course is sure of conferring on all classes connected with that great branch of national industry. My hon. Friend next proceeded to speak of the expense of the rural police. For the maintenance of this force the whole of England is charged less than 60,000*l.* The noble Lord (Lord John Russell) did not—and in that respect I think the noble Lord acted wisely — make the act establishing that force compulsory on the country, but left it discretionary on the part of the magistrates of counties to adopt it or not, as seemed proper to them. It is at their option, therefore, whether they will incur the expense or not. My hon. Friend only glanced at the subject of tithes. To me it appears impossible to contend that, on the ground of the commutation of tithes, the landlord has any additional claim upon the Consolidated Fund. No measure ever received the sanction of the British Legislature so advantageous to the landed interest as that great arrangement. The tithe-owners were formerly copartners with the owners of the soil. The latter could not expend a shilling on the improvement of their property, but another party was entitled to a partition of the benefits of such improvement, without any share whatever in the outlay; but, by the Tithe Commutation Act, a new arrangement was made, most conducive to the interests of the landed proprietor, in cutting off the claim of his copartner to his share in the profits. On the whole, it is impossible that greater advantages could be conferred upon the possessor of land by an Act of Parliament than those which accrued to him six or seven years ago; and, on the ground of tithes I contended formerly, and I contend now, that the landowner has no particular claim for any additional relief. I have now gone through the various points by which my hon. Friend sought to establish the claims of agriculture to some special and new advantage. My hon. Friend also referred to the remedies which he thought it would be but justice to apply; and following my hon. Friend, I will now refer to the remedies which have been proposed to the consideration of the House. To a few of them I have no objection. And, first, with regard to a general Inclosure Act; and, secondly, with regard to drainage. The noble Lord at the head of the department of the Woods and Forests, has been kind enough to undertake the investigation of these two particular subjects; and the noble Lord the Member for Lincolnshire (Lord Worsley), who has, so much to his credit, directed his attention to the question of inclosure, has left the matter in the hands of the Government, on condition that they would grapple with all the difficulties of the subject; and I shall not be speaking too confidently, when I say that I have every reason to believe that my noble Friend (the Earl of Lincoln) will be able very shortly to lay upon the Table of the House two general measures with regard to inclosure and drainage. There is another object to which the agricultural interest attach great importance, and that is that they should be allowed to make malt for the purpose of feeding cattle. I am happy in being able to inform the House that my right hon. Friend the Chancellor of the Exchequer is not indisposed to reconsider the existing regulations on that subject; and if the matter can be effected without an injurious risk to the Revenue, I am quite sure I speak the sentiments of my right hon. Friend in saying that he will not be indisposed to give the matter his most favourable consideration. I now come to the more direct proposition of my hon. Friend, to which I have an insurmountable objection. My hon. Friend proposes, in the first place, that the whole cost of prosecutions at the assizes shall be transferred from the county rate to the public funds. My hon. Friend stated with truth, that in 1834 a Committee sat and reported, and in their Report recommended such a transfer. That proposition of the Committee was taken into the serious consideration of the Executive Government. The proposition was, that the expense of all prosecutions at assizes should be transferred as a burden upon the public funds. Most wisely, as I think, an amendment was made by the Government to that proposal. If the burden of the prosecutions at assizes had been transferred entirely, as proposed by the Committee, no local authority whatever would have had interest in checking prodigality of expenditure. The Government, in one respect, went further than the Committee, and embraced the quarter sessions as well as the assizes within the measure which they adopted, whereby one-half of the burden was to be mutually borne by the public and by the county rates. The effect of that arrangement was, that the magistrates in quarter sessions, their officers—the clerks of the peace, and all officers over whom they exercise a control, have a direct interest in aiding the Government to check an expenditure, one half of which is to be borne by the public. Besides, in respect to the recommendation of the Committee, I am bound to state that a considerable expense has been removed from the county rate, by the expense of the removal of convicts to the hulks being now borne by the public. I think, therefore, that it would not be prudent to depart from existing arrangements—arrangements whereby the public very liberally bear a moiety of a heavy expenditure; and I for one will not be a party either to renew the recommendation of the whole expenditure being borne by the public, or support a departure from existing regulations. My hon. Friend next proposed that, inasmuch as the Executive Government interferes with the management of gaols, and as, under the authority of the Legislature, the power of dealing with the question of the dietary of the prisoners, is vested in the Secretary of State, one half the burden of the maintenance of the prisoners should be thrown upon the public purse. If I have been successful in making what I have already stated intelligible to the House, it must appear that Her Majesty's Government is not indisposed to consider the interests of the agriculturists. With the exception of interference with respect to dietary, there is no other interference exercised by the Government in the management of gaols. With respect to their buildings, their internal arrangements, and the officers to be appointed; with respect to the salaries to be paid to these officers; and with respect to all the internal regulations, excepting the dietary—they are under the exclusive control and management of the county magistrates. Although disposed to divide the expense with the public, my hon. Friend will not be disposed to divide the management with the Executive Government. For my part, I should be adverse to any proposition which would vest the whole management of county gaols in the Executive Government. The House will now permit me to make some remarks on the recommendation of the Committee in 1834, with reference to county expenditure. In the Report of the Committee, the subject of county rates was divided into four parts. With the permission of the House I will shortly enumerate some of their recommendations. The first branch of the Report referred to highway. On this head several important recommendations of the Committee of 1834 still remain a dead letter; but which, if carried into effect, would be productive of salutary results. First of all, they recommended that Union districts should be formed for the management of the highways. My belief is, that this recommendation might be carried into effect with great advantage, and I believe further, that the two systems of the relief of the poor and the management of the highways might be worked together with great economy and advantage to the public. The next recommendation was the abolition of statute labour. That, I believe, has been carried into effect. It was next proposed that the maintenance of roads over bridges, and for some distance at either end of them, should be undertaken by the turnpike trusts. That also, I believe, has been done. Next, I come to the question of the county finances. The recommendation of the Committee was, amongst other things, in reference to the county accounts, that they should in future be divided into separate and distinct branches, and set forth under different heads. That was an important recommendation, and I will show the House how little attention has been paid to it. I hold in my hand an analysis of a Paper moved for by the hon. Member for Somersetshire himself, with reference to the county rates, in 1842. In the Report it is stated, that one of the great disadvantages of the then system was the way in which the county rate was made up, classing accounts under few and large heads, and none of them duly vouched or audited. These accounts involve at the same time large amounts of expenditure. And what is the fact with regard to the year 1842? The county rates of that year amounted to no less a sum than 1,137,000*l.* The disbursements are branched under different heads. One is, "diet of prisoners," against which was set down 33,000*l.* Then comes the "clothing of prisoners, 4,000*l.*; salaries, 42,000*l.*;" and then under one general head of "incidental expenses," no less a sum than 53,000*l.* Had the recommendations of the Committee been carried into effect, and the county accounts, from which I have read these items, been properly audited, a very great saving might have been effected. Then again, with regard to the House of Correction, in the same manner, in a sum total of 140,000*l.*, as the whole annual expense, I find for "incidental expenses" no less a sum than 47,000*l.*; that is 25 per cent. of the whole amount placed under that head. I hold another account in my hand, of which, speaking generally, I find no less than 20 per cent. of the whole sum placed under the head of "other expenses," or incidental expenses, from which it is evident that it has been neither properly vouched, classified, nor audited. Had the recommendation of the Committee been carried out, I am confident that by a proper system of auditing the accounts a saving in the county rate to a large amount might have been effected. There are other important recommendations made in that portion of the Report which refers to the county finances, to which it would have been advantageous to have paid attention, and to carry which into practical effect would not require legislative interference. They should be adopted without delay, and if legislative interference be necessary, the intervention of Parliament will not, I am sure, be denied. Another regulation was recommended, and it was almost the only other one which remained in reference to the financial part of the question—a regulation for the payment of fees, and the making allowances to witnesses at criminal prosecutions. On that I will not now dwell, as I had the honour, only a few nights ago, of introducing a Bill to regulate the fees payable to clerks of the peace, and magistrates' clerks. The Report further recommended that a new valuation of property should take place. I do not think that any legislative enactment is necessary in order to give effect to this recommendation. I have now gone through the principal recommendations in the Report of 1834. The larger part of these have already received the sanction of the Legislature, or have been carried into effect, not needing that sanction. With respect to Coroners, the throwing one half of the expense caused by the duties of these officers upon the public funds would be unreasonable. They are elected by the counties, and being county officers, it is but just that the expense attending them should be borne by the counties. As to the register of electors for Parliamentary purposes, to which my hon. Friend referred in the course of his speech, I cannot coincide with his opinion, which my hon. Friend pressed upon the consideration of the House. It would not be right that the expense of these registers should be in part borne by those who do not possess the franchise. The Motion now made by my hon. Friend is no new proposition. It has been made, and in almost similar terms, several times before. I think it was when I had the honour of being a Member of Lord Grey's Government in 1834, that the Motion was first made. I then resisted it, together with many Gentlemen whom I now see on the benches opposite. I left that Government in May, 1834; and this Motion was made again, in the July of the same year; and being out of office, I thought it my duty again to oppose it. The Motion was repeated in 1836, when certainly it was my misfortune to be much opposed to those who then wielded the executive power; yet even then, as before, I thought it my duty to give a decided opposition to this Motion. I admit that the landed interest is entitled to protection; but at the same time I feel that these peculiar burdens are rightly placed, and I am opposed to their removal. The landed interest derives a certain protection on account of these burdens, and I do not think it should attempt to throw them off, and at the same time to retain the protection which is given on account of them. Whether in or out of office it will be my duty to resist any proposition of the kind; and I shall, therefore, vote against the Motion of my hon. Friend and in favour, Sir, of your leaving the chair to go into a Committee on the Customs' Duties Bill.

Mr. *Newdegate* said, he admired the ability with which the right hon. Baronet at the head of the Home Department had treated the subject; but whatever might be the ability of his arguments, he could not say they had convinced him; he therefore must remain of the same opinion with the hon. Member for Somersetshire. The right hon. Baronet had set aside or avoided the statements made by the hon. Member; but his arguments had not met that statement, which remained in its original force. The right hon. Baronet had alluded to the circumstances under which the Property Tax had been imposed in 1842. There was a deficiency, and that tax was imposed to supply it, and did so; but owing to manufacturing distress, the Property Tax was then accompanied by a reduction of duties in favour of the then distressed manufacturing interest; this reduction was unfavourable to the agricultural interest, which had progressively declined ever since 1842, and that it is now depressed cannot be denied. Every Member was bound first to consider the state of his own constituents; that of his (Mr. Newdegate's) agricultural constituents was one of great depression. He rejoiced at much that had fallen from the right hon. Baronet; it showed that he, at all events, had not forgot the agriculturist, and was in a very different tone from that used the other day by the hon. Secretary at War. That right hon. Gentleman had thought fit to use expressions with reference to the agricultural Members which he had bitterly regretted hearing emanate from that side of the House; but he (Mr. Newdegate) perceived that the right hon. Gentleman was not in his place; he would therefore say no more with reference to him or his expressions. He (Mr. Newdegate) had been referring to the different circumstances under which the Property Tax had been imposed in 1842, and those under which it was at present continued; then there was a deficiency, now there is none. The relaxation of duties had then been carried contemporaneously with, but apart, and separate from, the Property Tax; but now the relaxation of duties was proposed to be the consequence of, and by means of that measure. He did not complain of the Property Tax; he approved of it. He trusted that it was an indication of a novel, a more direct, and a more equable system of taxation. But he did complain that in the financial measures which were now proposed, indirect benefit alone was held out to the great interest which was now depressed; whilst actual and direct benefits were to be granted to interests that were now prosperous. Of late, ultra free-trade doctrines appeared to have gained possession of the House; but the speech of the right hon. Baronet, he must say, was in a different and more sober tone than those they had lately heard. Lately, the hon. Member for Stockport, as high priest of the ultra free-trade theory, had led the strain, whilst the occupants of the Treasury Bench and the hon. Gentlemen opposite had chanted the responses; and how was this all-powerful theory supported?—for every theory must, after all, stand upon its own merits, and be judged of by the power of the arguments which support it. How, he would ask, had this mighty theory been supported? Why, the noble Lord the Member for London, with much approbation from the opposite side, declared that "protection was the bane of agriculture." That was a fine round saying to enunciate; and in support of it the noble Lord's argument simply came to this—that because, since 1815, agriculture had been frequently depressed, whilst during that period it had been protected, that then protection had been the cause of its depression. He confessed, that after some thought, he could not make out the connexion between the assumed cause and effect. But he did wonder that the establishment of another system, dating also from 1815, had not occurred to the noble Lord—he meant the present monetary system. [*Cheers.*] Aye, hon. Members opposite might cheer, and he understood their cheers; but he had expressed a sincere opinion; he did believe that our fluctuating, and at the same time restrictive monetary system, had depressed agriculture, and, though not in the same degree, the other productive interests of the country. The agricultural prosperity of Ireland and Scotland had been quoted by the right hon. Baronet at the head of the Home Department. Now a different monetary system obtained in those two countries, particularly in the latter. They were equally protected with this country; but if fluctuations and agricultural depressions have been more frequent in this country than in them, is it not probable that the monetary system has more to do with the evils of agriculture in this country than protection could have? Then, again, the hon. Member for Stockport had put forth this as incontrovertible—a most extraordinary statement with reference to the protection given to Colonial sugar—that because an import duty of ten guineas was imposed upon each ton of Foreign sugar consumed, being 20,000 tons annually, that therefore this duty made a difference in price of ten guineas a ton upon each ton of sugar from the Colonies, being 230,000 tons, and thus levied a tax of more than 2,000,000*l.* upon the consumers of this country. This was loudly applauded by the noble Member for Sunderland; but the very next week the hon. Member for Stockport had answered his own question, and completely refuted his own assumption and proved its fallacy by what he had stated with reference to the Dantzic corn market; for he said that the low price of corn there in the years immediately previous to 1838, was owing to ths want of demand for it in this country, and that when demand sprung up in 1838, the price immediately rose, and proved that its low price had been a nominal price. Now, if we admitted Foreign sugar, would not the same effect ensue? Was it not clear that the price of the 20,000 tons of sugar subject to ten guineas duty, was in the same circumstances as the corn of Dantzic in 1835, 1836, and 1837, owing to the duty, and that its present price was also nominal? That if it (sugar) were imported into this country free of duty, its price would rise in Brazil, owing to the demand for it; that its being lower there is nominal; and that the difference to our consumers is not therefore attributable to, or measured by the duty. Why, these were but natural effects of supply and demand; yet in violation of them fallacies such as these seemed popular in that House. He (Mr. Newdegate) would not follow the right hon. Baronet into all the details into which he had gone in answer to the Motion of the hon. Member for Somersetshire. The right hon. Baronet had failed to convince him that relief, were it but small, should not be granted to agriculture in its present state, were this but as an assurance of future relief, in case that were needed; but he felt bound to say, that he had heard with great satisfaction the statement of the right hon. Baronet with reference to his being willing to grant the drawback on malt for cattle, the Drainage and Inclosure Bills, and that the latter had been referred for consideration to the hon. Secretary for the Woods and Forests. He wished that the speech of the right hon. Baronet had been made earlier in the Session—that its tone had characterized those of his Colleagues, particularly the language of the right hon. Baronet, when he introduced his financial measures for this year. He trusted that the right hon.

Baronet would realise the hopes among the farmers, who now distrusted the Government, which his speech would raise; that he would prove to them that at least one Member of the Government understood their difficulties, and cared for their interests. Nevertheless he had not been convinced by the right hon. Baronet; he thought the proposition of the hon. Member for Somersetshire ought to be granted, and he should support it.

Lord *J. Russell* observed, that the hon. Member who had just sat down had alluded to an expression that had been made use of by him. The expression that he had made use of at the commencement of the Session was this — that protection was the bane of agriculture. If that expression required any justification—if it required any proof of its justice—that proof had been afforded by that which had passed that night. The hon. Gentleman who had brought forward this Motion stated various instances in which protection had been broken in upon. He went through different measures which had been passed by the present Government—he directed their attention to the Tariff in 1842, and to the Canada Corn Bill in 1843, and yet, having done this, the hon. Member did not venture to propose that any of these laws should be repealed; but there he left these questions, and having stated these evils, he merely proposed that 275,000*l.* should be taken off the county rates, and that they should be paid by the public in general. He was then followed (after the Seconder to the Motion had spoken) in a speech by the right hon. Baronet the Secretary of State for the Home Department; which speech the hon. Gentleman who had last spoken said, was highly consolatory to the agricultural interest, and must have a beneficial effect on the country. What, then, might he ask, was there of so consolatory a nature in the speech of the right hon. Baronet? Was it proposed to restore protection to its former high rate? Was it proposed to give additional protection, so as to prevent an influx of cattle from the Continent, or of corn from Canada? What had the right hon. Baronet said? That the Legislature ought to progress in the facilities it afforded to foreign trade. The right hon. Gentleman said that if they wished to know whether a good price could be obtained for their agricultural produce, they must inquire what was the state of Liverpool and Manchester—what was the state of the manufacturing districts in England and in Scotland; and if they were in a flourishing state, then they might expect that agriculture would be flourishing also, and that their gains would be proportionate to the prosperity of those districts. Was that encouraging agriculturists to rely on protection? Was it not the reverse—was it not showing them that they could have no protection so beneficial, or so advantageous to them as the prosperity of the manufacturing districts? But the right hon. Gentleman did not content himself with this declaration of his opinion; he quoted instances to show that want of protection had been beneficial; he referred to the article of wool—he showed that the free importation of foreign wool had occasioned a rise in the price of wool—he pointed to the consequences of a free trade in wool. If there was any one thing which could show that protection was the bane of agriculture—to prove that it was injurious to agriculture—it was to be found in a speech which had been made the other night; a speech which was not answered; a speech which he did not believe could be answered; a speech which showed the manner in which protection had been injurious to agriculture — he meant the powerful and admirable speech of the hon. Member for Stockport. That speech showed that when articles were protected as the produce of agriculture had been protected, the consequence of such legislation had been, that whilst the protection appeared to be favourable to particular classes—whilst it seemed to give them advantages greater than were possessed by other classes of the community—and whilst, in consequence, it exposed them to odium and to envy, it at the same time tended to make men slovenly and inert in that protected trade or occupation; it also induced them to rely upon the acts of the Legislature to secure them a protected price, instead of looking for their profit and their reward to their own energies. He said that, considering this, and that if there ever was a country distinguished for great energy, great intelligence, and at the same time for great abundance of capital ready to be employed in every enterprise that required energy and capital, this was the country. Considering these things, he then said to them, let them rely upon their energy upon their enterprise, and upon their capital—let them look to these as the sources of their prosperity, and not rely on such a broken reed as legislative protection. He said, too, that with regard to many articles for which in former days the manufacturers sought protection by legislative means, he was happy now to see by their success in foreign countries that they had no need of protection. With regard to some manufactures there might be the appearance of success, from the restriction in the supply, and the monopoly secured to them. Some of them might be articles of which no great quantity was consumed, and that were not absolutely necessary to the community. One article had been made a monopoly of in one country, and another in another country. Spices and silk were articles of this description. Now the world could live very well without spices, and persons could well supply themselves with other raiment than what was composed of silk. There was no absolute want of these articles. By limiting the supply of them, they could make such articles always bear a high price. They could at all times proportion the supply to the demand. The Legislature could thus by protection give an advantage to a particular class. The agricultural class could, however, have no such advantage. They might give them a protection, and as long as food was cheap the people would not care whether that protection was 40*s*. or 50*s*.; but immediately upon their having to pay a high price for food, there would be so much discontent that the system would break down. It had been found so ever since 1815. In 1815 he was a Member of that House, although he did not take part in the debates on this subject; but he remembered farmers saying that a less price than 80*s*. would not be remunerative; that it would be impossible for them to live and carry on cultivation at a less price than 80*s*. The law to give them that price failed. It was impossible for the Legislature, having any regard to the peace of the country, to keep corn up to so high a price as 80*s*. The protection had then to be relaxed. A new law was passed, when it was found that too high a price was required. The law of 1828 was next passed; after a certain time complaints were made of that law likewise. He proposed in 1839 to alter the law. He declared at that time that he considered a moderate fixed duty ought to be substituted. Such was the relaxation of protection he was then favourable to. Those who were in opposition to the Government said that protection was not too high at that time; that it ought to be maintained, and they also said that they did not think that the law of 1828 should be thrown into the lottery of legislation; and that even if the then Government came forward as an united government, they would oppose any such alteration. A change in the Government took place; those who had opposed any alteration in protection, those who were against any relaxation of that law, came into office, and what had they now heard from the hon. Gentleman opposite?—That ever since that time there had been a gradual breaking down of protection. That it had been broken down in 1842—that it had then been broken in upon by the Tariff, and that then came the Canada Corn Bill of 1843. Thus, then, it was as he had told them. Though they might be told of protection, and of its being secured to them, it would be found to be indirectly abandoned; though there might in theory be protection, yet when they came to force eighteen millions of people to procure their corn at a high price, it would be found that the discontent would be such, the danger would be such, that every prudent government, and every wise government, looking to their population, and to its increase, would see whether it could be safe to leave the law as it was; they would look to see whether corn could not be procured from some colony, or whether corn could not be brought from some foreign country through that colony—they would look to see whether the rigour of that law might not be made more tolerable, and be less in effect than it was in appearance. Then it might be said, that after all this protection, though it was not kept so high as they had hoped it to be—though the Ministers they had brought into power for the sake of that protection did not keep it so high as they desired, they still might ask, what mischief attended it? If it did benefit the agriculturists—if it did not do them the good they expected from it, they then came back to the argument which had been used so irresistibly—that the Legislature keeping up a price nominally, which was not maintained in fact, gave false hopes to the farmers, and induced them to place reliance on the law instead of looking to their own exertions. They induced the farmers to neglect the means they ought to employ for their own prosperity—such as economy, activity, improved science—they induced the farmer to think that his landlord would only have to go to Parliament, and then, whatever might be his manner of cultivation, however his land might be neglected, however slovenly or careless might be his mode of working the land, still his landlord and the Legislature would secure a remunerative price to him, and he would be sure of being able to pay all his rent and taxes. The agriculturists who so trusted were doomed to disappointment; and this fact, he thought, showed that protection, as he had stated at the commencement of the Session, was the bane of agriculture. The right hon. Gentleman the First Lord of the Treasury had said, that he (Lord John Russell) seemed, on this subject, to oscillate between the two sides of the House, and that though he had said that "protection was the bane of agriculture," he was not prepared to carry that principle into effect. He said, as to that point, that though he might be utterly mistaken, still there were two ways of doing away with protection; the one was of doing it away suddenly—the other, of doing it cautiously and gradually. Though he might in his opinion be mistaken, when he, following in the path of great men who had written on this subject, and spoken on it in Parliament, and though he might be mistaken as to the means, still he had no doubt that it was the end at which they ought to aim. Protection ought to be done away with, and especially so as regarded agriculture. Such was the opinion of Mr. Ricardo, who might, perhaps, be regarded more as a theoretical writer than as a practical statesman. But, perhaps, he might be allowed to make a quotation from another authority, whose name he would tell the House after he had read his statement, and whose words were so much better than any he could use. They were these:—

> "The only beneficial care that a Government can take of commerce is to afford it general protection in time of war, to remove by treaties the restrictions of Foreign Governments in time of peace, and cautiously to abstain from any, however plausible, of its own creating. If every law of regulation, either of our internal or external trade, were repealed, with the exception of those necessary for the collection of revenue, it would be an undoubted benefit to commerce, as well as to the community at large. An avowed system of allowing things to take their own course, and of not listening to the interested solicitations of one class or another for relief, whenever the imprudence of speculation has occasioned losses, would, sooner than any artificial remedy, reproduce that equilibrium of demand and supply which the ardour of gain will frequently derange; but which the same cause, when let alone, will as infallibly restore. Whenever the assistance of Government is called for by any class of traders or manufacturers, it is usual to make the most splendid display of the importance of that particular branch to the nation at large. The East and West India interests, the shipowners, the manufacturers, the American merchants, have all the means of making these brilliant representations; but it should be recollected that the interest of the State consists in the prosperity of the whole; that it is contrary to sound policy to advance one beyond its natural means, and still more to do so at the expense of others; and that the only mode of ascertaining the natural limits of each is to leave them all alone."

Such was the opinion given a great many years ago by Mr. Alexander Baring, the present Lord Ashburton. He thought they were marked by the sagacity, by the knowledge, and the distinguished talent which the noble Lord possessed. This, then, was his opinion as to commerce in general; and therefore he could not think that the farmers would gain by the Legislature doing that which many farmers wished them to do, which was, as he understood, to repeal the Canada Corn Bill, and to alter the Tariff, so as to impose the highest duty on foreign cattle, or in any way going back to their high protecting duties. The present Government did not hold out the hope of doing this; but there was one thing which they would do, and that they were bound to do, and that was to hold out no delusive hope that protection could afford relief to the agriculturists. They had seen that there had been meetings this year, in various places, of agriculturists, and in the Reports of these meetings there were complaints of the present state of agriculture, and a request for further protection. He thought that if they did give the farmers further protection, they would only offer to them that which would prove to be a "delusion and a snare." They ought to tell the farmers that their best reliance was on their own industry and their own skill;

that the entire course of Parliament would be to diminish protection and not to increase it. Such, he said, was the language that ought to be held, and such, he said, the course that ought to be pursued. The hon. Gentleman who spoke in that quarter (the Ministerial side of the House) told them how much he regretted the course that he had pursued in 1842—as to the Corn Law then established. He had voted against the second reading of that Bill, and it was carried by a large majority, consisting principally of those representing the agricultural counties. Then, he said, if they had not voted for it, they would not now have that and the other measures which they had supported; and their complaints would not now be heard as to the Canada Corn Bill and the Tariff. As to the Tariff, he could not think that any importation of Foreign cattle which had happened, or that was likely to happen, could be injurious at all to good graziers, if the right means were adopted by them for competing with the growers or feeders of foreign cattle. As to the Canada Corn Bill, again he must observe that he had objected to that Bill, but upon different grounds from hon. Gentlemen opposite; for he thought it would be establishing a Corn Bill in Canada, and that the protection in favour of Canada might afterwards be troublesome, in case of making the trade in corn free from restriction. His right hon. Friend the Member for Taunton had placed his opposition to that measure on distinct and different views; but he was not supported by the agricultural interest. They gave on that question such a support to the Government as enabled it to carry the measure. When the Bill went further, he was not prepared to offer it any opposition; but it was evidently within the power of those who represented the agricultural interest to put a stop to the Bill. Let not the agricultural Members then say, that they had been ill used by the Government. They themselves had assisted the Government. They had been the means of enabling the Government to carry on the same policy of giving greater freedom to trade, and of taking away some restrictions. Now, he said, what they ought to do was this—they should tell the farmers what they had done; they should tell them that this was good policy; that in supporting it they acted like honest men, and were ready to stand by it. That was what they ought to do, and not, in that House, support the Minister, and then go down to the country and attack him for his free-trade principles. Such was his view of the general conduct that they ought to pursue. What, then, had he to say as to the particular Motion before the House? The particular Motion was, that in a remission of duties, the agricultural interest ought to be considered. The right hon. Gentleman the Secretary of State had answered that. As to the particulars which the right hon Gentleman had stated, he took, for instance, the poor rates and the tithe commutation. The poor rates, it had been shown by the right hon. Gentleman, were now about a million a year less than before the New Poor Law Bill had passed. With regard to tithes, let them recollect the position in which the agriculturists were placed compared to that in which they had stood. This was a country in which the population was increasing every year—in which, too, manufactures and commerce were also increasing. What, then, was the consequence? That every year there must be a greater demand for food, and a greater supply required to meet the wants of the manufacturers. What, then, was the advantage to them for the improvement of their lands? They might buy the most expensive manures; they might raise larger crops; they might increase the produce by eight, ten, and twelve bushels an acre beyond the former growth, and yet not one sixpence more tithe was to be paid by the occupier than they had to pay before. In this respect the agriculturists had much greater advantages than before. He took it, then, that the agriculturists of this country, considering the new manner of tillage they might employ, and the improvements in agriculture, that the farmers were great gainers compared with what had been their situation many years ago. He really wished that the farmers could be brought to consider all these matters, and see how much more important they were than those measures which had been brought under immediate notice by the Motion of the hon. Member for Somersetshire. As to the question of prosecutions, and whether a part of the expenses ought to be differently paid, that might be taken into consideration if a different system of prosecuting offences were adopted. If the right hon. Gentleman the Secretary of the Home Department appointed a public prosecutor, a different arrangement might be made. That, however, was a different question from benefiting agriculture, to which their attention had been directed. His answer to the hon. Gentleman who proposed a diminution of burdens was this, that if the agriculturists come on the farmers with a large scheme —if they said that there should be no more duty on corn and agricultural produce—if they were then to place it as a raw material, as the food of the people, as the raw material by which the population were maintained—if they proposed to place themselves on the same footing with the rest of the comunity—if they no longer sought for peculiar favour—if they said there should be no more restriction and no more monopoly, by duties imposed upon foreign produce, and then asked them to look at the peculiar burdens which agriculturists had to bear, and an examination into which they would no doubt support when it was proposed by the hon. Member for Sheffield, and then showed that these burdens prevented them from employing a greater number of labourers—then he believed, in that case, the greatest free trader, and the most determined abolitionists in that House, would be as willing to regard their claims with favour, as the largest landed proprietor in that House. But they could hardly expect this important view of the question to be taken while this state of doubt and excitement was hanging over the landed interest and the country. What he would say was this—that as the question now stood, with a large majority of the House of Lords and a considerable majority of the House of Commons, composed of persons interested in land and anxious for the maintenance of that protection which they believed to be favourable to their interest, but which was looked upon by others as a protection and a favour given to them at the expense of the rest of the community, the landed interest was placed in a most ungracious position. The hon. Gentleman who brought forward the present Motion had gone through various statements and figures to prove the diminution in the price of meat. The hon. Gentleman had shown that meat had declined in price sixpence or sevenpence a stone since the Tariff of 1842, and that corn had also fallen in price since the same period; and the hon. Gentleman had gone on to say that this decline of price in the main articles of subsistence were evils which required the interposition of the Legislature to remedy. Now this line of argument, if followed out, must come to this—that it was an evil for the man who went to buy his two or three pounds of meat for the Sunday dinner of himself, his wife, and his children, to be enabled to save twopence or threepence in the price; and that it was also an evil that he could save fourpence or fivepence a week in the cost of the number of loaves of bread he and his family might require to consume; and see how ungracious it was for hon. Gentlemen connected with the agricultural interest to come forward with this kind of complaint, and state it as an evil which it required legislative interference to remove. If agriculture had no special protection, and the prices of agricultural produce were high, it might be fair to say here is a happy state of the country;—here, supposing it were so, have commerce and manufactures flourrished so much, that there is a rise in the price of meat, and corn is also rising in the market, this high price showing the improved condition of the people, and their increased command of the necessaries and comforts of life—that, no doubt, would be a subject of rejoicing: and they might expect that it would be followed by a better system of agriculture, the cultivation of lands not now cultivated, and increased production; and if the greater produce which would thus be brought to the market was followed by a still further rise of prices as consumers and manufacturers increased in prosperity—that would, indeed, be a happy state of things; but to come to Parliament, and say, look at the law; it is not sufficiently stringent, because it has not prevented people paying sixpence a stone less for their meat that we think they ought to pay; nor has it prevented their buying corn at some shillings a quarter less than we say the price ought to be; that was a complaint which must tend to make the landed interest, the great landed aristocracy of this country, which he as much as anybody had a right to respect — [Colonel *Sibthorp*: Hear, hear]—such a complaint, he said, must tend to place that interest before the country in a most odious position. The hon. and gallant Member opposite (Colonel Sibthorp), by his cheer, rendered it necessary for him to make some allusion to matters which he should not otherwise have referred to. It was no doubt the fact that he (Lord John Russell) was closely connected with persons who took great interest in the progress of agriculture. His uncle and his father had delighted as much as any men to witness the improvement of agriculture, and had done all they could to bring the farmers together with the view to the adoption of improved modes of cultivation; therefore he should be the last man to wish for any unnatural or unfair depression of the agricultural interest. But if they desired to promote the good of agriculture—if they wished the landed interest to continue to hold the high title to the respect of the country it had won for itself in former days, and which it ought to possess now—they should not seek that object by Motions like the present, but make a just and a fair arrangement between all parties, and that while all England should see that the landed interest was the most powerful, it was at the same time the most generous class of the community.

Mr. *Escott* considered these discussions as skirmishes between the Anti-Corn Law League and the Protection Society. With respect to both these bodies, he had nothing to say against them so long as they did not endeavour to compel him to join their ranks; for he did not believe the Anti-Corn Law League would be able, in the present state of the country, materially to depress the interests of trade, or that the Protection Societies would have weight enough to depress the interests of agriculture, on which no doubt they did press as a considerable incubus. One great reason for bringing forward the present Motion was the dissatisfaction of the farmers with their Representatives in this House, and he had heard sufficient reasons given for that dissatisfaction. There were two kinds of meetings at which farmers were accustomed to look for information on these matters to their natural leaders—one, those dinners which took place during the recess, in which persons engaged in agriculture congregated together convivially and socially to discuss matters affecting their own interests. He remembered the time when those meetings assumed rather an alarming character, and when it was thought proper to pass a sort of by-law to prevent the discussion of political and public questions. In the course of the last autumn he attended two or three of these meetings, at which there were present men who had been Members for counties, men who were Members for counties, and men who looked forward to counties again; but the rule which had been established prevented them from discussing this subject. But they could not keep down public questions; that which was in the mind would find some utterance in words, and so they spoke and said enough of politics to show the farmers that they knew very little of such matters: and then they talked of agriculture, of which they very soon proved to the farmers that they knew nothing at all. Now that had been one cause of dissatisfaction. Allusion had been made to a debate which had taken place in the course of the last week. He had begun by saying that he should not discuss the question of the Corn Laws upon that occasion; and he should adhere to his promise. But this he should say—and he wished the farmers to know it—that although no attack, however able it might be, could, in his opinion, put down a great principle or a great interest; yet no principle and no interest could stand such a defence as had been made the other evening against the Motion of the hon. Member for Stockport (Mr. Cobden). But then there was this House; and what had been the conduct, upon the present occasion, of those who professed themselves to be the farmers' friends? His hon. Friend the Member for Somersetshire had interspersed his statement of facts with a sufficient announcement of principles, to leave it quite plain and palpable that he had a clear opinion as to the cause of the existing distress; and his hon. Friend the Member for Warwickshire had stated that he could point out the cause of that distress. The Agricultural Protection Society had sent out handbills and pamphlets, in which they stated their opinion upon the same subject and to the same effect. But his hon. Friend the Member for Somersetshire, and his hon. Friend the Member for Warwickshire, did what in them lay to perpetuate the distress in question, if they and the Agricultural Protection Society were right as to its origin; for, according to them, it was caused by the present Corn Law and the Tariff. It was their effect, growth, and offspring. But what did his hon. Friends do in that House? Why, they came down, and told them to stick by the Corn Law and to stick by the Tariff, or in other words not in anywise to alter the existing protection to British agriculture. For that protection was the protection given by the Corn Law of 1842 and by the Tariff of 1842—the very things which, according to his hon. Friends, had been the cause of the existing distress. He should like to know what the farmers would think of their protecting friends in that House, when they found them stating in one breath that the existing Corn Law was the cause of the distress, and in the other breath telling the House to perpetuate that law which had thus caused the distress [Mr. *G. Bankes*: No, no]. His hon. Friend the Member for Dorsetshire said " No" to that statement. But did not his hon. Friend and his Protection Society call on the farmers to support the existing Corn Law, by which he had told the farmers that their distress had been occasioned? The real truth was that farmers, and the labourers, too, had a much deeper and a closer intuition into these things than some of those by whom they were represented gave them credit for. They knew that farming could only prosper in the general prosperity of the country. They knew that any attempt to prop up agriculture at the expense of the community at large would tend to the destruction of those who lived by the labour of their hands upon land. They recollected what had been the state of the country in the year 1841, and the dreadful tales of ruin and distress which had been laid before that House night after night by the Representatives of the great commercial towns. He had lately heard an unexceptionable witness on this point; while sitting on a Committee of that House, he had received the most satisfactory accounts of the improved condition of the working people in the northern districts from a relieving officer of the Manchester Union. That gentleman had confirmed all those statements of previous distress which he had formerly heard in that House; but he had also assured him that he had never known the labouring population to be in fuller employment or to enjoy a greater command of the comforts of life than at the moment at which he had been speaking. That was surely a topic of congratulation, not only for the poor of those districts—not only for the manufacturers, but for the agricultural classes in this country. He had never met with an honest and intelligent labouring man who did not admit that his own prosperity and comfort were involved in and intimately connected with the prosperity of his master's business. The farmers, too, had the power of penetrating the fallacies of false friends. He was aware that there were hon. Members sitting near him who could not bear anything like a free expression of opinion. They must be tolerant for a moment; and if they could not move onwards with the stream of events, they must allow him to do so, and to state his opinions, though he might expose theirs. He should not support the proposals of Her Majesty's Government, or oppose the Motion of his hon. Friend, did he not believe that the Budget of 1842, and the Budget of 1845, were the commencements of a great series of financial experiments—of a new system of taxation—of a new plan for encouraging trade, commerce, manufactures, and agriculture—and, in short, of a new means of promoting industry, which, when it was fully carried into effect, would benefit all classes of the people—would raise the value of property and of labour—and would tend to the maintenance of English peace and English liberty, and of that constitution under which they had been born and which they professed to value. He believed that the day would come when it would be admitted that that House of Commons had conferred substantial benefits upon the people, and when due honour would be paid to them for having commenced a system of taxation by which the richer classes would pay for the purpose of maintaining the national credit, and of reducing other more onerous burdens of the people, resuscitating the drooping energies of trade and commerce, and opening the way for a new era of extended glory, founded on the dominion of increased knowledge and the empire of the arts of peace.

Lord *Worsley* said that the hon. Gentleman who had just sat down stated that he was a constituent of the hon. Member for Somersetshire, who had brought forward that Motion; and he had added that he regretted that the hon. Gentleman should be deluding the public by introducing such a Motion. But the hon. Gentleman the Member for Winchester had not stated that he represented the opinions of the constituents of the hon. Member for Somersetshire better than the hon. Member himself. Now he believed that the hon. Member for Somersetshire fairly represented on that occasion the opinions of the agricultural body of the district with which he was connected. The hon. Member for Winchester seemed to think that those who had recommended the farmers to petition that House for a continuance of the present protection to agriculture, had given them bad advice. He did not know that such advice had been given by the Agricultural Protection Society; but he believed that that advice was good in itself, and that, he thought, was also the opinion of the farmers. He believed that the general feeling among the farmers was that the present amount of protection should be continued, not because they were satisfied with that amount, but as they felt that they had been deceived in 1842, they were apprehensive that if they did not speak out now, the present protection would soon be diminished. He was not surprised that that was the state of feeling among the farmers. He recollected that his noble Friend the Earl of March, who had that evening seconded the Motion, had been the Mover of the Address in the year 1842; and he also recollected that the right hon. Baronet had stated what he considered would be a remunerating price to the farmer. The right hon. Baronet had no doubt qualified his statement upon that subject; but the general impression among the farmers was that, by the new law, prices would be maintained at between 54*s*. and 58*s*. a quarter. It was not surprising that, after the farmers had found themselves disappointed in their expectations, the hon. Member for Somersetshire should feel it advisable to bring forward his Motion of that evening. The hon. Gentleman the Member for Warwickshire seemed to think that the farmers would be well pleased with what had fallen on that occasion from the right hon. Baronet the Secretary for the Home Department. It appeared from the statement of the right hon. Gentleman, that in his opinion there was comparative prosperity in the agricultural districts in Ireland, in Scotland, and in the north of England. But he believed that great misapprehension prevailed upon that point. He believed that the fact was that the farmers in the north of England had larger capitals, and were therefore better able to pay their rents and maintain their labourers, than the farmers in the south. There seemed to be an impression in that House that the present was only the beginning of agricultural distress. Now he believed that that distress had not begun during the present season, but that it had been going on increasing during the last two or three years; and now it was showing itself in such a way that the farmers were beginning to speak out. The farmers were, no doubt, deeply mortified at the course pursued by the present Government. He had the other night refused to go into Committee, because he thought that by so doing they would be deluding the farmers; but he saw nothing in the present Motion which was calculated to produce such a result. The right hon. Baronet the Secretary for the Home Department had stated that the Canada Corn Bill had operated favourably by preventing undue speculation at a particular season of the year. But if the Canada Corn Bill were a beneficial measure for the agriculturists, it was surprising that it had not been brought forward in the year 1842, at the time when the New Corn Law had been introduced. The Canada Corn Bill was an after thought, and the same thing might be said of the new Tariff. Was it surprising, then, that after the farmers had formerly seen change after change effected, they should now be apprehensive that some further change was contemplated? This much he would say, that if those Members who had been returned by agricultural constituents at the last election, on the same understanding as the noble Lord the Member for Sussex, refused to vote in favour of the present Motion, their constituents would be grievously disappointed, for they would think that in the opinion of their Representatives their distress was not such as to merit the attention of the House.

Mr. *Disraeli:* When I ineffectually attempted, Sir, to catch your eye, after the conclusion of the speech of the noble Lord the Member for London, I would then have presumed to offer some considerations to the House on the question respecting protection to native industry, which that noble Lord mooted; but such considerations I cannot presume to offer at the present hour of the night; and therefore, I am afraid, I must restrict myself to that principle of discussion laid down by my hon. Friend the Member for Winchester, and confine myself strictly to the Motion before the House. But, watching, as we all must, with great interest, the formation of the character of an individual so eminent as the noble Lord, who has been, as he informed us to-night, thirty years in this House, but appears not yet to have arrived at a result on the great question which now interests the country, I, who would not presume to place my opinions, formed on much more recent experience than those of the noble Lord, against his, may yet be permitted to say that, after all, one truth, I think, is perhaps evident from these discussions—that protection is not a principle, but an expedient. If it be the latter, it must depend on circumstances, and, if it depend on circumstances, the matter cannot be settled by those quotations of abstract dogmas which have been cited by the noble Lord. However, we shall all have ample opportunity to discuss this great question, which is now the question of the age and of the country. By our speeches or by our votes, either in this House or at the hustings, sooner or later, we must come to the test on this great question, "Will you have protection or will you have, not free trade, for that is not the alternative, but free imports?" I cannot forget the speech recently delivered by the hon. Member for Stockport. That, indeed, is not easily to be forgotten by any one who listened to it. I will not therefore say, that there is much more to be said on both sides of this question than we have yet been favoured with; but I will say, with the greatest respect to those hon. Gentlemen whom I see near me, that I do believe that there is much more to be said on one side of the question than has yet been offered to the House. I shall not presume, however, to enter into the question at present. If, indeed, I held the position of some who, at such an hour as this might rise, but who, however anxiously expected, yet do not favour us with their observations, I might venture to enter a field so vast; but I may be permitted to say, that before we come to settle this great question, we must grapple with the important point of waging war against hostile tariffs. We must ascertain how far free imports would affect wages and prices in this country; how far these again would operate on the distribution of the precious metals; and how far the distribution of the precious metals would affect your power of maintaining your standard of value. I am not offering these observations in a controversial tone to the House; but am merely indicating that before we come to that question, which must be settled, there are great considerations which must be entered into in an unimpassioned, and, I trust, in a searching manner. But I now come to the question before the House—the question which the hon. Member for Winchester, who advocated with such fervour and ability, his opposition to this Motion, wishes the present discussion to be narrowed to. I will meet him on the ground he has chosen. We have a Motion the terms of which are familiar to every Gentleman present—it is, to take into consideration in the distribution of the surplus revenue the claims of the agricultural interest. This is not a new Motion. It has been introduced to this House before, when hon. Gentlemen now on this (the Ministerial) side of the House were in opposition. Under identical circumstances a similar Motion was then proposed. What took place under those circumstances ought to be some guide to us as to the result of the present Motion. The Motion brought forward at the time I am referring to, was the Motion not of a triumphant but of a powerful Opposition—an Opposition distinguished by the quality of cohesion. In 1836, a powerful Opposition, wishing to try a fall, with, I will not say a feeble, but at any rate a not confident Government, selected this Motion as a point of battle on which contending parties might try their force. The Motion was proposed by a noble Friend of mine, who is now a Member of the other House—the noble Lord the then Member for Buckinghamshire: and after a discussion, not of very great length, a division took place, which did not shake the Government to the centre but made it tremble. In 1836 the majority was not much above thirty in favour of the Administration on a vital question. The Motions were identical; I believe the phraseology of the Resolution of 1836 was identical with the present; and I should suppose, therefore, that the hon. Member for Somersetshire must have reckoned, in bringing forward a Resolution which, on a previous occasion, had united together a great number of supporters, many with distinguished names, on a successful issue to his proposition to-night. I cannot doubt that the hon. Member for Somersetshire, looking to the list embalmed in those records to which we all appeal, and reading the names of those who voted in 1836 with my noble Friend, must not only have anticipated equal, but even greater success, for this is a Conservative House of Commons, and the other was a Whig House of Commons. The hon. Member must have reckoned on receiving a commanding support in bringing forward this Motion. There is the right hon. Gentleman the Secretary for Ireland (Sir T. Fremantle),—he voted under similar circumstances for an identical Motion. I know the right hon. Gentleman too well for a moment to doubt that he will vote the same way to-night. At the time to which I am alluding, 1836, there was a Budget, and there was a surplus, and the agricultural interest came forward and said, " Are we not to be considered?" The right hon. Gentleman the Secretary for Ireland thought that they ought to be considered; and I am not at all surprised at it, as he has always been a friend to agriculture. I remember having had the honour of meeting the right hon. Gentleman in the presence of his constituents. I cannot forget the occurrence, because the president of the meeting happened to be the noble individual who brought forward this very Resolution in 1836; and I remember the speech which the right hon. Gentleman then made. Those were " dreary moments" — days of opposition, when there was no chance of getting into power unless you were borne forward by an agricultural cry. I know the feelings of the constituency of Buckingham. They were satisfied, and justly so, with so accomplished a representative; they were satisfied with his sympathy in opposition; and they knew when he got into power they would have a friend on whom they could count. I should like to know whether, if the constituency of Buckingham had been told that a Resolution would be brought forward, at a later period than 1836, similar in its nature to the Motion of 1836, and that then their Representative, being then a Minister, would be found to vote against it, they would have believed such a tale? Of course they would not; and of course the right hon. Gentleman the Secretary for Ireland would not vote against this Motion to-night. The noble individual (the Duke of Buckingham) who presided at the dinner to which I have referred, could not, I am sure, suppose for one moment that the right hon. Gentleman would vote against the Motion, for that noble individual, finding that the policy of the Government was contrary to that policy which he had advocated in opposition, quitted office. Therefore I think we may count on the right hon. Gentleman the Secretary for Ireland supporting this Motion to-night. I do not think that we need despair of the support of the Vice-President of the Board of Trade (Sir G. Clerk), for he also supported a similar Motion under similar circumstances. In 1836, there being a Budget and a surplus, the right hon. Gentleman the Member for Stamford conceived that the agricultural interest, of which he was the champion, had a right to be considered. No doubt, he too will now vote in favour of the present Motion. There is also a noble Lord the Member for a division in Nottinghamshire (Lord Lincoln), no less a person, indeed, than a Member of the Cabinet. He was also of opinion in opposition, and at that time, that if there were a surplus the agricultural interest should be considered. If the noble Lord was of that opinion when in opposition, of course, now that he is a Member of the Government—a Government brought into existence by the agricultural interest—he will divide in favour of the present Motion. I believe I might pick up a few Lords of the Treasury; but I will let them pass; I must not omit, however, the gallant Officer the Clerk of the Ordnance (Captain Boldero), the Member for Chippenham, a district so distinguished for its agricultural feeling. All these Gentlemen the hon. Member for Somersetshite surely counted on when he entered the House to-night. It is, however, but just to state (and I am sure that all the agricultural constituencies from Buckingham to Chippenham will feel doubly grateful for it, when they read the division list to-morrow and find that their Representatives were present); it is, I repeat, but right to state that the right hon. Gentleman at the head of the Government was, on the occasion I have referred to, of a different opinion from those other hon. Gentlemen whom I have mentioned. He acted in a different manner with respect to that Motion; on the division he went into the Whig lobby alone of all his party, whom he left united in favour of the Motion. The right hon. Baronet did behave throughout in the most handsome manner. He expressed no annoyance at the indiscreet effort of his party, which had almost made him a Minister; he did not give them a lecture; he did not say, notwithstanding that they went into a different division-lobby from their leader, they had broken out into open rebellion. The right hon. Baronet preserved his consistency, and kept on the very best terms with his party. That being the state of the case, I have no doubt the right hon. Gentleman will vote against the Motion to-night;

following the precedent of that time he will treat his immediate supporters with the same affability as he did before. These are facts. We may quote *Hansard* by the line to prove them. They are facts so notorious, and so fresh in the memory of every Gentleman, that it is unnecessary to repeat them. This is sticking to the question, as the hon. Member for Winchester requires. I entirely differ from my agricultural Friends around me, though I make these observations, in their view of the conduct of the right hon. Gentleman; nothing is more easy, when your constituents are dissatisfied, than yourselves to grumble against the right hon. Gentleman. I believe the right hon. Gentleman has done more for agriculture than any Minister or Government has done for any quarter of a century. That is my calm, deliberate opinion; and placed as I am in momentary collision with the Treasury Bench, I am bound to make this admission. [" Hear! hear!"] " Hear! hear!" as the hon. Member says; I am sincerely prepared to maintain that cheer. Why, what has the right hon. Gentleman not done for agriculture? Before the meeting of Parliament, the right hon. Gentleman reconstructed his Cabinet, and left out the Minister of Trade. There was a great compliment to agriculture! It was the most marked thing I know. The agriculturists, then, ought to be satisfied. And yet they complain. They complain of the Corn Law which they supported; they accuse the Tariff, which was passed at all events with their connivance; they inveigh against the Canada Corn Bill, which, I beg to tell the noble Member for London, I did not vote for: they complain of all this. Yet how unreasonable! Can they forget that the right hon. Gentleman has expelled from the Cabinet, the Minister of Commerce, and so made a decided demonstration in favour of agriculture, for which agriculturists should ever be grateful? What do they want? Not this tax to be taken off, or this act to be done. No, they complain of the " conduct " of the right hon. Gentleman. There is no doubt a difference in the right hon. Gentleman's demeanour as leader of the Opposition and as Minister of the Crown. But that's the old story: you must not contrast too strongly the hours of courtship with the years of possession. 'Tis very true that the right hon. Gentleman's conduct is different. I remember him making his protection speeches. They were the best speeches I ever heard. It was a great thing to hear the right hon. Gentleman say, " I would sooner be the leader of the Gentlemen of England than possess the confidence of Sovereigns." That was a grand thing. We don't hear much of " the Gentlemen of England " now. But what of that? They have the pleasures of memory—the charms of reminiscences. They were his first love, and though he may not kneel to them now as in the hour of passion, still they can recall the past; and nothing is more useless and unwise than these scenes of crimination and reproach, for we know that in all these cases, when the beloved object has ceased to charm, it is in vain to appeal to the feelings. You know that this is true. Every man almost has gone through it. My hon. Friends reproach the right hon. Gentleman. The right hon. Gentleman does what he can to keep them quiet; he sometimes takes refuge in arrogant silence, and sometimes he treats them with haughty frigidity; and if they knew anything of human nature they would take the hint and shut their mouths. But they won't. And what then happens? What happens under all such circumstances? The right hon. Gentleman being compelled to interfere, sends down his valet, who says in the genteelest manner, "We can have no whining here." And that, Sir, is exactly the case of the great agricultural interest—that beauty which everybody wooed, and one deluded. There is a fatality in such charms, and we now seem to approach the catastrophe of her career. Protection appears to be in about the same condition that Protestantism was in in 1828. The country will draw its moral. For my part, if we are to have free trade, I, who honour genius, prefer that such measures should be proposed by the hon. Member for Stockport, than by one, who through skilful Parliamentary manœuvres, has tampered with the generous confidence of a great people and of a great party. For myself, I care not what may be the result. Dissolve, if you please, the Parliament you have betrayed, and appeal to the people, who, I believe, mistrust you. For me there remains this at least—the opportunity of expressing thus publicly my belief that a Conservative Government is an Organised Hypocrisy.

Mr. *Darby* was surprised at the speech of the hon. Member who had just sat down; for although his personal allusions might please for the moment, they would not secure to him the respect of that

House. The hon. Gentleman was not consistent; for when he sat on the Opposition side, he said free-trade sentiments did not belong to the Whigs but to the Tories. But on a late occasion he said the present Government had stolen the clothes of the Whigs while they were bathing. He believed the hon. Gentleman had bathed not only with the Whigs, but also with the Radicals. He should like to know what were the former opinions of the noble Lord opposite who now lauded free-trade principles so highly. The present Government had come into power when the country, owing to the financial cleverness of the Whigs, was involved in debt, and almost on the brink of a rupture with France and America, and involved in a war with China and Affghanistan. The Corn Law was proposed under those circumstances, and the Parliament had no alternative but to pass that law, or displace the Government and restore the incompetent Whigs to power. He admitted the existence of great agricultural distress, and thought if corn continued to come in under high duties, some alteration in the Corn Laws would be necessary. They had not yet had sufficient experience of the working of the law to seek a change, and, as changes led to speculation, they should be made with great caution. He had no apology to make to his constituents for his Parliamentary conduct. He admitted that he was returned on the principle of protection, but pledged to no particular measure. According to the best of his ability, he had acted up to his principles, and though he might regret the coming in of corn under high duties, yet, under similar circumstances, he should vote again for a similar Corn Law.

Mr. *Smythe* said, he had not the smallest intention of intruding himself, especially at that late hour, on the attention of the House, had it not been for that severe, and crushing, and masterly reply, made by the hon. Gentleman the Member for Sussex to the speech of his hon. Friend the Member for Shrewsbury—not the one delivered this evening, but one delivered a fortnight ago. Remembering also that it was the fashion to reproach Gentlemen, even though they might not have an opportunity, with speaking after some delay and some preparation, he thought that he was not unjustified, and did not rise without some call to answer the speech of the hon. Member for Sussex—his invective, his Philippic, his severe reply to his hon. Friend. Far be it from him to interfere between that great schism which had manifested itself to-night in this great agricultural question, supported in such various ways by different agricultural Members: far be it from him to mingle in a debate which was begun in so spirited a speech on behalf of the agricultural interest by the noble Lord the Member for Sussex, and had been continued in so spirited a speech by the hon. Gentleman, also Member for Sussex: far be it from him to mingle in such matters; but he would tell the hon. Gentleman this—that it was not by raking among hustings' speeches, it was not by going back fifteen years, and telling his hon. Friend the Member for Shrewsbury that he then entertained particular opinions, which, he suspected, if hon. Gentlemen would take the trouble to look, would not be very different from the opinions entertained by him at this moment. [" Hear."] The hon. and gallant Member the Officer of the Ordnance (Captain Boldero) had done him the honour to cheer a remark of his. He supposed, if he were to recall to the hon. and gallant Member the vote he gave on the Irish Registration Bill, he would find some difficulty in reconciling with that his vote on the Government Registration Bill, were it to come before the House. How would his present vote tally with that given three years ago? Take a question which agitated the public mind very greatly: how would the hon. and gallant Officer vote on the question of the grant to Maynooth? [*Cries of* " Question, question."] He thought he might be pardoned when a Gentleman interrupted him, in stating what he had thought was an acknowledged fact—namely, that it was most invidious and unfair, not to state that this conduct and that were in contradiction, but that words uttered fifteen years ago were in contradiction to those uttered that evening. He thought that would have been admitted by every one in that House. But he would tell the hon. Gentleman that this question, if it could not be solved by that great agricultural mind to which the hon. Member for Wolverhampton made so happy an allusion, would not be solved by the great parochial mind of England. Differing as he did from his hon. Friend the Member for Shrewsbury in the vote he should give this evening, and differing from the hon. Member for Somerset, he could not withhold his testimony to the fact that speeches like those of his hon. Friend would be more likely to be productive of public good than the Motion of the hon. Member. The Motion went to this result, that it was a great thing to bring the state of the country before the House; but he believed it would be far more productive of good to bring the state of the House before the country.

Sir *R. Peel:* I shall in a very few sentences state the grounds on which I feel it my duty to offer my opposition to the Motion which has been made by my hon. Friend. I oppose that Motion, because the object of it being merely to transfer a certain sum from the county rate to the consolidated fund, in my opinion we should practise a delusion upon the agricultural interest by impressing them with the belief that such a measure can in any material degree operate to their benefit. My hon. Friend states that the total amount of relief which he means to propose is about 250,000*l.* or 260,000*l.*—not an absolute remission of taxation falling upon agriculture, but merely the transfer of that amount, payable in England from the county rate, to the consolidated fund. Now, supposing in that way my hon. Friend gave an absolute relief of 250,000*l.* to the agricultural interest, even if it were total and unqualified, the absolute amount to each individual would be scarcely appreciable. But my hon. Friend must recollect it is a mere transfer of a charge from one species of taxation to another; my hon. Friend must recollect, if he concedes this relief to the agriculture of England, he must concede, where it can be done, a corresponding relief to agriculture in Scotland and Ireland. The consequence will be, therefore, that a charge of, perhaps, 350,000*l.* or 400,000*l.* must be placed on the consolidated fund. Now, I have a strong impression that, if placed on the consolidated fund, the check put on expenditure would be much less efficient than it is at present; and that Government, acting through its officers, probably to be newly appointed, would have much smaller means of exercising local vigilance than those who are now by the local authorities appointed to superintend this charge. To obtain, therefore, a relief in England of 250,000*l.* of direct taxation on the county rates, there must be a transfer to the consolidated fund of nearly 400,000*l.*, with the prospect of continued increase to be placed on that fund. But who are the contributors to that fund? The consolidated fund means neither more nor less than the produce of taxation to which the agriculturists contribute. My hon. Friend says that this removal of taxation, now placed on the county rate, would be a relief to the lower class of farmers and the peasants; but do not the lower class of farmers and the peasants contribute by indirect taxation to the consolidated fund? Consequently it would be a mere commutation of taxation; and my firm belief is, that the agricultural interest, which my hon. Friend intends to benefit, would derive no substantial relief. My hon. Friend, however, proposes that as his object; and I rather think that my hon. Friend would receive support from others who mean acquiescence in the Motion to be tantamount to a condemnation of the financial proposals made by Her Majesty's Government; because I find that in a circular which has been issued from the Protection of Agriculture Society, Gentlemen are expressly invited to vote for this Motion, upon the ground that the remission of taxation which I propose is not favourable to the agricultural interest, and that the Motion of my hon. Friend ought to be acquiesced in for the express purpose of effectually resisting further progress of the Government in measures of free trade. If, therefore, that be the ground upon which my hon. Friend brings forward his Motion, or others are inclined to support it, still less is it in my power to acquiesce in the Motion of my hon. Friend. I have had placed in my hands the following letter, addressed to a Member of this House, soliciting his support to the Motion of my hon. Friend, and upon rather a different ground from that upon which he puts his Motion. This letter is from a local Protection Society, and is addressed by the Secretary to a Member of this House. It is to this effect:—

> "I am directed to inform you that a communication from the Central Protection Society was laid before our managing Committee yesterday, of which the following is a copy:—'That it is the opinion of this Committee that a remission of several of the duties which Sir Robert Peel proposes to abolish in his remission of taxation, would tend materially to lessen the employment of the agricul-

tural labourer, and to reduce the price of various productions of the soil. That the principle on which the Agricultural Protection Society is based is, to maintain a protection to British agriculture, not less than that which existed at the time of its formation; and this Committee, therefore, recommend all the Provincial Protection Societies to urge, by deputations or otherwise, their local Representatives in Parliament to support Mr. Miles' Motion, and to use their best endeavours to arrest the progress of these free-trade measures."

Their appeal, therefore, is clearly made, not for the purpose of gaining a small remisson of local burdens to the amount of 250,000*l.* for the agricultural interest—it is made expressly for the purpose of arresting the further progress of those measures which it is the intention of Her Majesty's Government to introduce, and to imply a censure and a condemnation of their financial policy. Whether, therefore, the grounds for supporting this Motion be those urged by my hon. Friend, or those stated in this letter from the Central Protection Society, inviting Members to support the Motion, with the view of arresting the progress of the measures proposed by Her Majesty's Government, it is entirely out of my power to acquiesce in the Motion of my hon. Friend. Sir, this House has given its consent to the Income Tax; this House has, by a large majority, consented to the continuance of a tax by which a sum of 5,200,000*l.* is to be raised on the property and income of the country. I do not believe that a continuance of that tax would have been acquiesced in by the public—I do not believe that it would have received the sanction of this House, if the proposal for its continuance had not been accompanied by a declaration of the intention of the Government in respect to their financial policy. I conceive, therefore, were I to acquiesce in a Motion of this kind, which must be admitted necessarily to imply a complete disturbance of that financial policy, I should be acting with gross bad faith, having proposed the Income Tax, if I were to consent to a measure which would render me unable to fulfil the conditions on which it was proposed. If 400,000*l.* are to be placed on the consolidated fund, it is quite clear, with the present amount of surplus we contemplate for some time to come, it will be impossible to persevere in the whole of the financial measures we have brought forward. We are not prepared to submit to an immediate and certain deficit to the amount to which it must exist in the event of the success of my hon. Friend; and I have a right, therefore, to consider the Motion of my hon. Friend as a censure and a condemnation of our financial policy. Sir, I cannot say I at all repent of the course which has been pursued by Her Majesty's Government since their accession to office. I look now at the condition of this country, and at its condition at the period when we assumed power. I remember the statements which were made with regard to the position of the agricultural interest; with regard to the prospects of commerce; with regard, I believe, to the condition of the labouring classes who were dependent on their industry for support in the manufacturing districts of this country. I think I recollect hearing from the hon. Gentleman opposite that in the town he represents—the town of Sheffield—there were not less than 3,000 houses unoccupied. I recollect the touching accounts which were given of the condition of the labouring classes in the manufacturing districts—the accounts of the struggles which were made even to procure a scanty sustenance from animals which had died of disease. I recollect that case to which I before referred—the case of the town of Paisley, where, during the winter of 1841, there were not less than 12,000 persons—at one time not less than 17,000 who rose in the morning uncertain where they were to procure the subsistence of the day, excepting by voluntary charity. Looking at these things, I do not consider that I am bound to support the partial interests of any individual class. I consider, Sir, that it is the duty of the Government to take, as far as their abilities permit, a comprehensive view of the interests of all classes; and I now believe that it is for the interest of all classes, but more especially for the interest of agriculture, that something has been done to reanimate and revive, if possible, the manufacturing interest. And I ask you now to consider, not the effect which the importation of 3,000 or 4,000 head of cattle or of swine may produce upon the prices of agricultural produce, but I wish you to take into your consideration what would have been the effect of a diminished demand of 40,000 head of cattle arising from continued distress throughout the manufacturing districts. I do not believe that agricultural prosperity could co-exist with the continuance of that manufacturing distress. But we are now told that, notwithstanding our reduction, notwithstanding the remissions we have made, to the amount of five or six millions, in taxes bearing upon the productive industry of the county—that we deserve no credit for it—that all indications of a recurrence of prosperity are disbelieved and denied—the revival of manufacturing activity is entirely owing to good harvests. But I remember when we were told that confidence in the recurrence of better seasons was utterly misplaced—that there was no hope for the revival of manufactures and commerce—that our measures were mere delusions—and that unless we took the agricultural produce of other countries our markets could not be extended, and that it was illusory to hold out any hope of improvement, or that the sufferings of the people could be mitigated. Well, but improvement has taken place. I wish hon. Gentlemen would read some of the trading circulars issued at the commencement of the present year, and compare them with the trading circulars issued in 1842, and compare them, too, at the same time, with the predictions of approaching ruin that were then made. Here is one of those circulars issued on the 1st of January in the present year:—

> "The improvement, indeed, in manufacturing property has far exceeded all expectation; the transactions of the year present one unbroken series of remunerating prices for goods, and a very moderate cost of the raw material. At this season it has been usual to expect temporary stagnation; but at the moment all is activity. The spinners are full of orders, and steam power is taxed to the utmost to fulfil contracts. The woollen districts have much improved in condition, and may be pronounced to be busily and advantageously employed. The stocks of manufactured goods have been well taken off, and it is anticipated that the Colonial wool sales next month will be very brisk, and very full prices be obtained."

The circular then adds—and this is another proof of the wisdom of the fiscal policy pursued by Her Majesty's Government,—

> "There are no unsound speculations in merchandise, as in the memorable year 1825; nor in American securities, nor an enormous bill circulation, as before the last panic; and our monetary relations with foreign countries are altogether favourable. All these circumstances combined again lead to the appearance of a moderate rate of interest for money."

That is the account given in this circular at the commencement of the present year with respect to the commercial and manufacturing prosperity of the country. Now I ask you to contrast that with the state of the country in 1842, and, making all the allowances that you will make for favourable seasons, I ask you whether there is any ground for condemning the commercial and manufacturing policy which has been adopted by Her Majesty's Government? Observe the bearing of this on agriculture,—

> "As a remarkable evidence," says this circular, "of the increasing prosperity of the country, it is most interesting to notice that the quantity of wheat sold during the last four months at the towns whose returns are made for the purpose of compiling the averages, amounted to 2,128,692 quarters, being no less than 247,707 quarters more than the sales of the corresponding period in 1843; while the quantity of foreign corn upon which duty has been paid during the whole of 1844 is nearly identical with that of the previous year."

Now, observe that the whole of that increased consumption is an increased consumption of wheat, the produce of this country, there being no increase in the import of foreign wheat, as the import of foreign wheat appears to correspond with that of the four corresponding months of the preceding year. Speaking of the consumption of those towns only where the averages are taken, we find that, in consequence of the improved condition of the manufacturing labourer, there is an increased consumption in them of 247,000 quarters of wheat in four months only. When, therefore, you say that our measures are calculated to increase the manufacturing activity of the country, and that the benefit of them is exclusively confined to manufactures, I give you this fact as a conclusive proof that there is derived from them a corresponding benefit to agriculture, because the demand for that part of our own produce which is of the utmost importance to agriculture—namely, wheat, is extended in a proportionate degree to the increased prosperity of manufactures and commerce. I oppose this Motion in 1845 on the same grounds on which I opposed it in 1836. I then thought that it held out hopes of relief which were certain to be delusive. I differed from those with whom I was then acting, and I stated the grounds on which I opposed the Motion. I said then, as I say now, that there is no tax bearing upon agriculture except the Malt Tax, in the power of Government to remit; and I should have thought that my hon. Friend would have reserved himself until the removal of the auction duty or the duties upon glass or cotton were proposed, and then have brought forward, in competition with those remissions, a proposition for the remission of this tax bearing particularly upon agriculture, instead of merely suggesting a pecuniary bonus. Sir, I will not now enter upon the question of agricultural protection. It does not properly arise in this debate, and it will, moreover, be raised in a discussion which, as I understand, the hon. Gentleman the Member for Wolverhampton intends to raise in this House. I shall then be prepared to say why I think that the Corn Laws ought not to be abolished. At the same time I am not prepared to say that precisely the same amount of agricultural protection shall be maintained, if by that you mean that we are not at liberty to touch it in any revisal of a Tariff, as in regard to bark, or articles of that kind. I believe it is for the interest of the country that you should relax your prohibitory and restrictive laws with great caution. I do not say for the advantage of the agricultural interest, but for the advantage of all classes of the community. I am holding no new doctrine. I have ever professed my belief that the system of prohibition and extreme protection is wrong. I do not, as I said the other night, defend the protection given to the West India interest upon the principle of commercial policy; but seeing the long period for which it has endured, the amount of capital invested in the cultivation of the soil in the West Indies, the peculiar position of those Colonies with respect to labour; seeing also our obligation to maintain our Colonial Empire; I have the strongest impression that the sudden and hasty removal of protection would be an injury not only to the West Indies, but to the whole of this great Empire. We are now taunted by one side of the House with having seriously injured the agricultural interest, by the rapidity, the inconsiderate haste, with which the protection of that interest has been dealt with. On the other side of the House we are taunted with being mere instruments in the hands of the agricultural party; and we are told that we ought to proceed at once to the removal of all protection whatsoever. Sir, our intention is to pursue the course we have hitherto taken, without yielding to the suggestions of the one party or the other. We have attempted gradually to abolish prohibitory duties, and gradually to relax extreme protection. In my opinion we have done so with the best success. I look to the general results of our policy in the position of the country now, as compared with the position in which we found it; and I say we are amply justified in the course we have pursued, and are encouraged to persevere in it. Sir, the hon. Member for Shrewsbury repeats an accusation he made on a former occasion, of our having retained power by a forgetfulness of the pledges we gave in opposition. As I before said, I shall not enter into personal controversy. When I proposed the Tariff in 1842, and when that charge, which the hon. Member now repeats, was made against me, I find the hon. Gentleman got up in his place, and stated that,—

> "With reference to the accusation made on the other side of the House, that the right hon. Baronet at the head of the Government had repudiated principles when in opposition which he had adopted when in office, that that charge had been made without due examination of the facts of the case."

I find the same hon. Gentleman again use these words:—

> "The conduct pursued by the right hon. Baronet was in exact, permanent, and perfect consistency with the principles of free trade laid down by Mr. Pitt. His reason for saying this much was to refute the accusations brought against the present Government, that they had put forward their present views in order to obtain a change of Government, so as to get into power themselves."

These sentiments I find attributed to Mr. Disraeli. I do not know whether they are of sufficient importance to mention them in the House; but this I know, that I then held in the same estimation the panegyric, with which I now regard the attack. I was, certainly, however, so struck—remembering the former defence of the hon. Gentleman—that the accusation which he made to-night should have proceeded from him, that I could not forbear alluding to it.

Captain *Harris* did not think the agricultural interests were promoted either by the present Government or their predecessors. The House had just passed an Income Tax for three years to come, and now or never was therefore the time for the agriculturists to seek for the remission of some of the taxes which pressed so heavily upon them.

Mr. *Plumptre* said, though a supporter of the principles for which the hon. Member for Somerset contended, he should object te the course which that hon. Gentleman had taken on the present occasion. He could tell the hon. Gentleman that a great many of his warmest Friends were very much dissatisfied with the Motion which he had brought forward, as they considered he had proposed a measure altogether inadequate to meet the distress under which the agriculturists suffered.

The House divided on the Question that the words proposed to be left out, "that Mr. Speaker do now leave the Chair," stand part of the Question:—Ayes 213; Noes 78: Majority 135.

List of the AYES.

Acland, T. D.
Adderley, C. B.
Ainsworth, P.
Adam, W.
Antrobus, E.
Arkwright, G.
Arundel and Surrey, Earl of
Baillie, Col.
Baillie, H. J.
Baird, W.
Barclay, D.
Baring, rt. hon. F. T.
Baring, T.
Baring, rt. hn. W. B.
Barnard, E. G.
Beckett, W.
Bellew, R. M.
Bentinck, Lord G.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bouverie, hon. E. P.
Bowles, Admiral
Bowring, Dr.
Bright, J.
Broadwood, H.
Brotherton, J.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buller, C.
Buller, E.
Busfeild, W.
Campbell, Sir H.
Cardwell, E.
Carnegie, hon. Capt.
Chelsea, Visct.
Childers, J. W.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cobden, R.
Cockburn, rt. hn. Sir G.
Colborne, hn. W. N. R.
Collett, W. R.
Collett, J.
Coote, Sir C. H.
Copeland, Mr. Ald.
Craig, W. G.
Cripps, W.
Damer, hon. Col.
Deedes, W.
Denison, J. E.
Denison, E. B.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Dickinson, F. H.
Dodd, G.
Duff, J.
Duncan, G.
Duncombe, hon. A.
Dundas, Admiral
Dundas, F.
East, J. B.
Eastnor, Visct.
Egerton, W. T.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Ewart, W.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forster, M.
Fox, C. R.
Gaskell, J. M.
Gibson, T. M.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Visct.
Hamilton, W. J.
Hanmer, Sir J.
Harcourt, G. G.
Hawes, B.
Hayes, Sir E.
Hayter, W. G.
Heathcote, Sir W.
Hepburn, Sir T. B.
Herbert, rt. hon. S.
Hinde, J. H.
Hindley, C.
Hogg, J. W.
Holland, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Howard, hon. C. W. G.
Howick, Visct.
Hume, J.
Hussey, T.
Hutt, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Kemble, H.
Labouchere, rt. hn. H.
Lambton, H.
Langston, J. H.
Legh, G. C.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lowther, Sir J. H.
Lowther, hon. Col.
Mackinnon, W. A.
McGeachy, F. A.
M'Neill, D.
Manners, Lord J.
Marsham, Visct.
Marsland, H.
Martin, J.
Martin, C. W.
Marton, G.
Masterman, J.
Matheson, J.
Milnes, R. M.
Mitcalf, H.
Mitchell, T. A.
Morrison, J.
Mundy, E. M.
Napier, Sir C.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
Oswald, A.
Paget, Col.
Paget, Lord A.
Pakington, J. S.
Parker, J.
Patten, J. W.
Pechell, Capt.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Plumridge, Capt.
Polhill, F.
Praed, W. T.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Repton, G. W. J.
Ricardo, J. L.
Russell, Lord J.
Russell, Lord E.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Scrope, G. P.
Sheil, rt. hon. R. L.
Shirley, E. J.
Smith, rt. hon. T. B. C.
Smythe, hon. G.
Smollet, A.
Somerset, Lord G.
Somerton, Visct.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Thesiger, Sir F.
Thornely, T.
Townley, J.
Trelawny, J. S.
Trevor, hon. G. R.
Trotter, J.
Tuffnell, H.
Turner, E.
Villiers, hon. C.
Villiers, Visct.
Wakley, T.
Walker, R.
Wall, C. B.
Walsh, Sir J. B.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Wellesley, Lord C.
Williams, W.
Wilshere, W.
Wood, Col.
Wood, Col. T.
Wortley, H. J. S.
Yorke, H. R.

TELLERS.
Young, J.
Baring, H.

List of the Noes.

Alford, Visct.
Allix, J. P.
Arbuthnott, hon. H.
Bagot, hon. W.
Banks, G.
Bell, M.
Beresford, Major
Berkeley, hon. C.
Blackstone, W. S.
Bramston, T. W.
Broadley, H.
Brownrigg, J. S.
Burrell, Sir C. M.
Chetwode, Sir J.
Christopher, R. A.
Codrington, Sir W.
Colville, C. R.
Darby, G.
Denison, W. J.
Dick, Q.
Disraeli, B.
Douglas, J. D. S.
Du Pre, C. G.
Eaton, R. J.
Farnham, E. B.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fuller, A. E.
Goring, C.
Granby, Marquess of
Gregory, W. H.
Grogan, E.
Halford, Sir H.
Harris, hon. Capt.
Heathcote, G. G.
Henley, J. W.
Henniker, Lord
Howard, hon. H.
Ingestre, Visct.
Long, W.
Lygon, hon. Gen.
Mackenzie, T.
Macnamara, Major
Manners, Lord C. S.
Maunsell, T. P.
Miles, P. W. S.
Morris, D.
Neeld, J.
Neeld, J.
Newdegate, C. N.
O'Brien, A. S.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Palmer, G.
Rendlesham, Lord
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rushbrooke, Col.
Shaw, rt. hon. F.
Sheridan, R. B.
Sibthorp, Col.
Smith, A.
Smyth, Sir H.
Sotheron, T. H. S.
Spooner, R.
Talbot, C. R. M.
Taylor, E.
Tollemache, J.
Tower, C.
Turnor, C.
Tyrell, Sir J. T.
Vane, Lord H.
Wodehouse, E.
Worsley, Lord

TELLERS.

Miles, W.
March, Earl of

Customs' Acts—Abrogation of Duties]. The House went into Committee on the Customs' Duties.

Sir *R. Peel* moved the first Resolution—

> "That the Duties of Customs chargeable upon the Goods, Wares, and Merchandize hereafter mentioned, imported into the United Kingdom, shall cease and determine."

When the Chairman came to basket-rods peeled and unpeeled,

Mr. *M. Milnes* referred to some communication he had had with Ministers upon this subject, and to the amount of capital invested in the growth of willows, which was in the hands of small proprietors. The cultivation was extremely expensive, and the returns slow, as it took four or five years before a crop could be procured. If foreign willows were admitted, Holland, where labour was cheap, would undersell the home grower, and numbers now engaged in the trade would be ruined. He hoped, therefore, that the right hon. Baronet would do a gracious act, and omit basket rods, peeled and unpeeled (with the growers of which, from his mere name, he ought to feel a sympathy) from the list of commodities, the duty on which was to be abrogated.

Sir *R. Peel* was sorry that he could not comply. If he gave way upon this article, there were many others in the same predicament which would have an equal claim.

Mr. *Ferrand* begged to confirm the statement made by his hon. Friend (Mr. Milnes). The price of willows had already been reduced to nearly half in the last two or three years.

Article agreed to.

On the Chairman reading the article "Brazil wood,"

Mr. *C. Buller* said, that the right hon. Gentleman had stated in his Budget that it was intended to take off the duties on furniture wood; he had therefore thought that they would have been placed in one category. It appeared, however, that the names of several new kinds of furniture woods had been omitted out of this list. Was it intended to place such woods under the general heading of woods unenumerated? He could give the names of several Ceylon woods which were extremely well adapted for this purpose, which had been omitted.

Sir *G. Clerk* replied, that only those furniture woods were inserted which had hitherto appeared in the Tariff. Any new descriptions of woods used for furniture could hereafter be inserted in the Schedule.

Mr. *Labouchere* thought that Her Majesty's Government should encourage the introduction as much as possible of all these new kinds of wood to be used as furniture, and therefore, as far as they could, they should at once specify those woods in the Tariff. He believed that there were several kinds of woods to be met with in our Colonies, and more particularly in New Zealand, extremely well adapted for this purpose. To carry out the purpose of the Government they should allow all these new woods to come in under some general head.

The *Chancellor of the Exchequer* said,

that it was absolutely necessary to state what furniture woods were; for if they did not, all kinds of woods might be introduced under the name. It should be known that the woods so introduced were used simply in the manufacture of furniture. If they inserted a general head, all kinds of oak would be endeavoured to be introduced under the name. When any new article appeared, the Treasury would take upon itself to admit the article on the same terms as other purely furniture woods, until Parliament could deal with the subject. If any new furniture woods were reported to the Treasury, they would be admitted free of duty.

Mr. *C. Buller* said, that there were several Italian woods adapted for furniture, besides other wood. For instance, orange wood, one of the prettiest of these woods.

Lord *John Russell* suggested that the Chancellor of the Exchequer should consult the officers of the Customs, and see whether they could not make an alteration in the way that had been suggested.

Mr. *Mitchell* stated that wainscot logs were used only for furniture. English oak was not adapted for articles of that nature, If Government would not consent to take the duty off those logs, he should propose that it be added to the list.

Sir *R. Peel* said, that if the words, "all woods used for furniture," were inserted, they might introduce any description of wood under that name. If wainscot logs were to be admitted, what was to prevent all oak from the Baltic being also admitted free of duty, as it was adapted for articles of furniture.

Article agreed to.

Mr. *Greene* proceeded to read the list.

When the Chairman came to the article "grease,"

Mr. *Miles* said, he wished to come to some understanding as to the mode in which the Committee was to proceed. There were several articles in this list the admission of which acted entirely against British agricultural produce. Now, he did not wish to retard the business of Government, by preventing those articles being passed to which no objection was made. What he desired was, that all articles objected to should be left open, to be the subject of discussion on some future day. He objected tto he article grease.

Mr. *Hutt* asked what was mean by the article grease?

Sir *George Clerk* said, it was butter in an unfit state for human food, and mixed with tar.

Mr. *Bright* was astonished that the hon. Member for Somersetshire should not object to the introduction of chalk; for it might be called an agricultural produce, since it formed, he believed, a great part of London milk. It was very extraordinary that in order that goods should be admitted into this country, they should have the especial quality of being unfit for human food. The next article on the list was greaves for dogs. He did not think the House ought to be called upon to legislate upon food for dogs, whilst food for millions of human beings was to be protected from all legislation.

Mr. *Miles* said, he was determined that this list should not pass without discussion; if, therefore, it was not agreed to postpone those items to which he objected, he would immediately move that the House should adjourn.

Mr. *Escott* observed, that if the hon. Member for Somersetshire wished to bring the principle of protection into utter contempt, he was pursuing the very way to do so.

Mr. *Miles* was not to be told how he was to discharge his duty in that House; but he had observed that the hon. Member for Winchester (Mr. Escott) took every opportunity he could to act directly contrary to the agricultural interest. He had noticed it over and over again, that whenever it was possible to throw out hints and scoffs against the agricultural body that hon. Member was the first to jump up and utter his scorn against them. But he was not to be deterred by the scoffs or sneers of the hon. Gentleman. He would tell that hon. Gentleman (and he ought to have known enough of his character to believe) that whenever he stated his intention to adopt any line of conduct, he was always determined to carry it out. It was his intention not to allow this Tariff to go through without discussion. As to what had been said by the hon. Member for Durham about chalk, he for his part should have no objection to the introduction of chalk free of duty, because it was on some lands a most valuable manure.

Sir *Robert Peel* had not any wish to press any particular article against which there existed any particular objection; but he thought the Committee were going on very harmoniously. Whenever any serious opposition should be raised against any article, he was willing to postpone it, but the trade of the country was so much affected by this measure, that it was extremely desirable to proceed with it as speedily as possible.

Mr. *Escott* could not imagine why the hon. Member for Somersetshire should attack him as being an enemy to agriculture, because he (Mr. Escott) had stated that such a Motion as that which the hon. Member threatened tended to bring the principle of protection into contempt.

Mr. *Miles* hoped the article basket-rods would be omitted.

The *Chairman*: That article has already been passed.

Sir *R. Peel* said, he should have no objection to consider it as omitted if it could be done.

Resolution to be reported.

The House resumed. Committee to sit again.

House adjourned at a quarter-past two o'clock.

We append the Resolutions moved in Committee, and the articles included under them. They were as follows:—

1. *Resolved.* That the Duties of Customs chargeable upon the Goods, Wares and Merchandize hereafter mentioned, imported into the United Kingdom, shall cease and determine; viz.:—

Agates, or Cornelians, not set
Alganobilla
Alkali
Alkanet Root
Almonds, Bitter
Aloes
Alum
.. Roche
Amber, rough
Ambergris
Amboyna Wood
Angelica
Annatto
.. Roll
Antimony, Ore of
.. Crude
.. Regulus of
Argol
Aristolochia
Arsenic
Ashes, Pearl and Pot
.. Soap, Weed, and Wood
.. unenumerated
Asphaltum or Bitumen Judaicum

Balsam, Canada
.. Capivi
.. Peru
.. Riga
.. Tolu
.. Balm of Gilead and unenumerated Balsam
Barilla
Bar Wood
Bark, Extract of, or of other Vegetable Substances, to be used only for Tanning Leather
.. for Tanners' or Dyers' use
.. Cascarilla
.. Peruvian
.. of other sorts
Basket Rods, peeled and unpeeled
Beef Wood
Berries, Bay
.. Juniper
.. Yellow
.. unenumerated
Birds, Singing
Blackwood
Bladders
Bones of Cattle, and other Animals, and of Fish (except Whale Fins,) whether burnt or not, or as Animal Charcoal
Box Wood
Borax refined
Borax or Tincal, unrefined
Boracic Acid
Brazil Wood
Braziletto Wood
Brimstone, refined in Rolls
.. in Flour
.. not refined
Bristles, rough, or in any way sorted
Bronze Works of Art
Bulrushes

Camomile Flowers
Camphor, unrefined
Camwood
Candlewick
Canella Alba
Canes, Bamboo
.. Reed
.. Rattans, not ground
.. or Sticks, unenumerated
Caoutchouc
Cardamoms
Cassia Buds
.. Fistula
Castor
Cedar Wood
Chalk, unmanufactured
Chip, or Willow for Platting
Chesnuts
China Root
Chrystal, rough
Cinnabaris Nativa
Citrate of Lime
Citric Acid
Civet
Coals, Culm, and Cinders
Cobalt
.. Ore of
Cochineal
.. Dust
.. Granilla
Coir Rope and Junk, old and new, cut into lengths not exceeding three feet each
Colocynth
Columbo Root
Copperas, Blue
.. Green
.. White
Coral, whole, polished
.. .. unpolished
.. in fragments
Cork
Cotton Yarn
Cubebs
Cream of Tartar

Divi Divi
Down
Drugs, unenumerated

Ebony

Feathers for Beds, in Beds or otherwise
.. Ostrich, undressed
.. Paddy Bird undressed
.. unenumerated and undressed
Flax and Tow, or Codilla of Hemp and Flax, dressed and undressed
Flocks
Flower Roots
Fustic

Gallic Powder
Galls
Gamboge
Garancine
Garnets, cut or uncut, not set
Gentian
Ginseng
Glue Clippings, or Waste of any kind, fit only for making Glue
Goods unenumerated, not being either in part or wholly manufactured, nor enumerated or prohibited
Guano
Gum, Animi
.. Arabic
.. Assafœtida
.. Ammoniacum
.. Benjamin
.. Copal
.. Euphorbium
.. Guiacum
.. Kino
.. Lac Dye
.. Mastic
.. Seed Lac
.. Senegal
.. Shellac
.. Storax
.. Tragacanth
.. unenumerated
Gun Stocks in the rough, of Wood
Gypsum

Hair, Camel Hair or Wool
.. Cow, Ox, Bull, or Elk
.. Horse
.. Human
.. unenumerated
Heath for Brushes
Hellebore
Hemp, dressed
Hemp, rough or undressed, or any other vegetable substance of the nature and quality of undressed hemp, and applicable to the same purposes
Hones
Hoofs of Cattle
Hoops of Wood
Horns—Horn tips and pieces of Horns

Indigo
Inkle, unwrought
Iron, Bloom
.. Cast
.. Chromate of
.. in Bars, unwrought
.. Hoops
.. Old Broken and Cast Iron
.. Ore
.. Pig
.. Slit or Hammered into Rods

Jalap
Jet
Jewels,—Emeralds and all other precious Stones, unset
.. Pearls
Juice of Lemons, Limes, or Oranges

Kingwood

Lac, viz.: Sticklac
Lapis Calaminaris
Latten
.. Shaven
Lavender Flowers
Lead Ore
.. Red
.. White
.. Black

Lead, Chromate of
Leaves of Roses
Leeches
Lignum Vitæ
Litharge
Logwood
Losh Hides

Madder
Madder Root
Mahogany
Manganese, Ore of
Manna
Manures, unenumerated
Metal, Bell Metal
Minerals and Fossils, unenumerated
Models of Cork or Wood
Morphia
Moss, Lichen Islandicus
.. other than Rock or Iceland Moss
.. Rock for Dyers' use
Mother o' Pearl Shells
Musk
Myrrh

Nicaragua Wood
Nickel, Arseniate of, in Lumps or Powder, being in an unrefined state
.. Metallic and Oxide of, refined
.. Ore of
Nitre—Cubic Nitre
Nuts, viz.:—
.. Kernels of Walnuts, and of Peach Stones, and of Nuts or Kernels thereof, unenumerated commonly used for expressing Oil therefrom
.. Cocoa Nuts
.. Pistachio
Nuts and Kernels unenumerated

Oakum
Ochre
Oil, Castor
.. Cocoa Nut
.. of Olives, except in Ships of the two Sicilies
.. Palm
.. Paran
.. Rock
Oil, unenumerated
.. Train, Blubber, Spermaceti Oil, and Head Matter, the produce of Fish or creatures living in the sea, caught by the crews of British Vessels, and imported direct from the Fishery or from any British Possession in a British Vessel
.. Seed Oils, viz.:
.. Hempseed
.. Linseed
.. Rapeseed
.. Walnut
.. Seed, unenumerated
Oil Seed Cake
Olibanum
Olive Wood
Orange Peel and Lemon Peel
Ore, unenumerated
Orchal
Orpiment
Orris Root

Painters' Colours, unenumerated, unmanufactured
Palmetto Thatch
Pink Root
Pitch
.. Burgundy
Plaster of Paris
Platina and Ore of Platina
Platting or other Manufactures to be used in or proper for making Hats or Bonnets, of Chip
Pomegranates, Peel of
Prussiate of Potash

Quicksilver
Quills, Goose
.. Swan

Radix Contrayervæ
.. Enulæ Campanæ
.. Eringii
.. Ipecacuahnæ
.. Rhataniæ
.. Senekæ
.. Serpentariæ, or Snake Root
Rags, old Rags, old Ropes, or Junk, or old Fishing-nets, fit only for making Paper Pasteboard
.. Pulp of
.. Woollen
Rape of Grapes
Red Wood, or Guinea Wood
Rhubarb
Rosewood

Safflower
Saffron
Sal Ammoniac
.. Limonum
.. Prunella
Salep, or Salop
Saltpetre
Sanguis Draconis
Santa Maria Wood
Sapan Wood
Sarsaparilla
Sassafras
Satin Wood
Saunders' Red
.. White or Yellow
Scammony
Seeds, viz.:—
.. Croton, commonly used for expressing Oil therefrom
.. Hemp
.. Sesamum
.. unenumerated, commonly used for expressing Oil therefrom
Senna
Shumach
Silk, Raw
.. Knubs or Husks and Waste Silk
Skins and Furs, viz.:—
.. Marten, undressed
.. Seal, in the hair, not tanned, tawed, or dressed
.. Squirrel, or Calabar, undressed
Skins, Furs, Pelts, and Tails, viz.:—
.. Badger, undressed
.. Bear, undressed
.. Beaver, undressed
.. Cat, undressed
.. Chincilla, undressed
.. Coney, undressed
.. Deer, undressed
.. Dog, in the Hair, not tanned or dressed
.. Dog Fish, undressed
.. Elk, undressed
.. Ermine, undressed
.. Fisher, undressed
.. Fitch, undressed
.. Fox, undressed
.. Fox Tails, undressed
.. Goat, raw
.. Goose, undressed
.. Hare, undressed
.. Husse, undressed
.. Kangaroo, raw and undressed
.. Kid, in the hair, undressed
.. Kolinski, undressed
.. Leopard, undressed
.. Lion, undressed
.. Lynx, undressed
.. Marten Tails, undressed
.. Mink, undressed
.. Mole, undressed
.. Musquash, undressed
.. Nutria, undressed
.. Otter, undressed
.. Ounce, undressed
.. Panther, undressed
.. Pelts, undressed, of Goats
.. .. of all other sorts
.. Racoon, undressed
.. Sable, undressed
.. Sable Tails or Tips, undressed
.. Squirrel or Calabar, Tails of, undressed
.. Swan, undressed
.. Tiger, undressed
.. Weasel, undressed
.. Wolf, undressed
.. Wolverings, undressed
.. Furs, Pelts, and Tails, tanned, tawed, or dressed, viz.:—
.. Deer,—Indian, half dressed, tanned, tawed, or in any way dressed
.. Ermine, dressed
.. Kid, dressed and dyed or coloured
.. Lamb, tanned or tawed
.. Lamb, dyed or coloured
Dressed in Oil:
.. Mink, dressed
.. Pelts of all sorts, tanned, tawed, or in any way dressed
.. Deer, Indian, undressed or shaved
.. Goat, tanned, tawed, or in any way dressed
.. Lamb in the Wool
.. Sheep in the Wool
.. .. tanned or tawed, dressed in Oil
.. Squirrel or Calabar, tawed
.. Wolf, tawed
Skins, Kid, dressed, not dyed or coloured
.. and Furs, or pieces thereof, unenumerated, tawed, curried, or dressed
.. and Furs, or pieces thereof, raw or undressed, unenumerated
Specimens of Minerals, Fossils, or Ores, unenumerated, exceeding fourteen pounds weight each
Speckled Wood
Spelter or Zinc, Rolled, but not otherwise manufactured
.. .. crude, in cakes
Sponge
Squills, dried and not dried
Stavesacre
Staves, not exceeding seventy-two inches in length, nor seven inches in breadth, nor three inches and a quarter in thickness
Steel, unwrought
.. Scraps
Straw or Grass for Platting
Sweet Wood
Sulphur Casts

Talc
Tar
.. Barbadoes
Tarras
Tartaric Acid
Teasles
Teeth, Elephants'
.. Sea-Cow, Sea-Horse, or Sea Morse
Terra Japonica and Cutch
.. Sienna
.. Verde
.. Umbra
Tin Ore, and Regulus of
Tornsal
Tortoise Shell, or Turtle Shell, unmanufactured
Tulip Wood
Turmeric
Turpentine of Venice, Scio, or Cyprus
Turpentine, unless above the value of 15*s.* per cwt.

Valonia
Vases, antient, not of stone or wood
Vermilion

Ultramarine

Walnut Wood
Water, Mineral
Wax, Bees, in any degree bleached
.. .. unbleached
.. Myrtle
.. Vegetable
Weld
Whale Fins, of British taking, and imported direct from the Fisheries, or from any British Possession in a British ship
Woad
Wood, for Ship-Building, now admitted at the

same Duty as Teake Wood
Wood, Birch, hewn, not exceeding three feet long, nor exceeding eight inches square, imported for the sole purpose of making Herring Barrels for the use of the Fisheries
.. Teake
Wool, Beaver
Wool, Beaver, cut and combed
.. Coney
.. Hares
.. Cotton
Yarn
.. Camel or Mohair
.. Raw Linen
Zaffre
Zebra Wood

2. *Resolved*, That, from and after the dates specified against the articles undermentioned, the Duties of Customs now chargeable upon such articles imported into the United Kingdom, shall cease and determine, viz.:—

Seeds, from and after the 1st June, 1845, viz.:—
.. Acorn
.. Anniseed
.. Burnet
.. Colchicum
.. Cummin
.. Fenugreek
.. Forest
.. Garden, unenumerated
Seeds, Lentiles
.. Lettuce
.. Linseed and Flaxseed
.. Lupine
.. Maw
.. Millet
.. Parsley
.. Quince
.. Shrub or Tree
.. Worm

Spermaceti . . .	1 January 1849.
Sperm Oil of Foreign Fishing .	Ditto.
Train Oil, or Blubber of Foreign Fishing	1 January 1847.
Whales' Fins of Foreign taking and not prohibited	1 January 1847.

3. *Resolved*, That in lieu of the Duties of Customs now chargeable on the articles under mentioned, imported into the United Kingdom, the following Duties shall be charged, viz.:—

Isinglass	5*s*. per cwt.
Oils, Chemical, Essential, or Perfumed . . .	1*s*. per lb.
Pickles preserved in Vinegar	4*d*. per gallon
Pickles or Vegetables preserved in Salt . .	5*l*. for every 100*l*. value.
Refined Camphor . .	5*s*. per cwt.
Smalts	10*s*. per cwt.
Turpentine, above the value of 15*s*. per cwt. . .	2*s*. per cwt.
Verdigris . . .	5*s*. per cwt.
Yarn Cable . . .	3*s*. per cwt.

HOUSE OF LORDS,

Tuesday, March 18, 1845.

MINUTES.] BILLS. *Public.*—1ª· Customs (Export Duties).
Reported.—Property Tax.
Received the Royal Assent.—Consolidated Fund; Stamp Duties Assimilation; Constables (Scotland).
Private.—2ª· Boileau's Divorce.

PETITIONS PRESENTED. By Duke of Buccleuch, Earl of Kinnoul, and Lord Brougham, from Presbytery of Edinburgh, and from several other places, for Improving the Condition of Schoolmasters (Scotland).—From Lamesley, for the Suppression of Intemperance.—From Province of Munster, for the Establishment of Provincial Colleges (Ireland).

EXPLOSIONS IN COAL MINES.] The Marquess of *Londonderry* said, that he was desirous of putting a question to the noble Duke near him (the Duke of Wellington). He wished to ask whether it would be convenient that he should now move for the Report of Mr. Faraday and Mr. Lyall, who had been sent down by the Government to report on the subject of the explosions which had unfortunately taken place in certain coal mines in the north of England some short time ago? Many rumours had been circulated detrimental to the character of the coalowners, and he wished for the production of this Report, as it would prove that those rumours were without foundation, and also the great attention and ability which were shown by the viewers employed in those collieries.

The Duke of *Wellington:* The Government having received an account of these misfortunes having occurred in one of the mines in the north of England, sent down two gentlemen of great science, who were directed to inquire and examine into the cause of this and similar misfortunes which had previously occurred, and they were also directed to make a Report on the subject. They made a Report, and that Report has since been communicated to the gentlemen interested—the coalowners of the north of England; and they, having considered the subject, have stated their opinions on the Report of the two scientific gentlemen; opinions suggested by their own knowledge and practical experience. These opinions have been communicated to the two scientific gentlemen, and the Government is desirous of waiting to hear the Report of these gentlemen upon the suggestions made by the coalowners before that document is made public. I agree with my noble Friend that it is desirable that these Papers should come before the public, and that they should be eventually placed on the Tables of both Houses of Parliament. Therefore, there can be no objection whatever to the production of this Paper at the proper time; but I think the noble Marquess will agree with me, and your Lordships will, that the information should be as complete as possible when given. Under these circumstances, I must suggest to my noble Friend that it would be better if he postponed his Motion for the present.

The Marquess of *Londonderry* said, that nothing could be more satisfactory than the explanation which had been given by the noble Duke. He must thank the Government for having sent down these scientific gentlemen to inquire into the subject, for they had produced a Report which was most just and impartial, and which gave the greatest satisfaction to all the parties interested. He must also thank the Government for having taken off the tax on coal exported to foreign countries. That measure would be a great relief to the trade. He regretted that the pitmen still stood out, but they were urged to do so by persons who ought to know better. Designing demagogues had set these men against their masters, and they would have a great deal to answer for, if they could but see the misery and wretchedness which he had seen in that part of the country during the last six months.

Scotch Banks.] The Earl of *Rosebery* said, that in putting the question of which he had given notice, he should merely state those facts which were necessary to elucidate the question, and to justify him in seeking this information from Her Majesty's Ministers. In the Speech from the Throne, the attention of Parliament was directed to some change in the system of banking in Scotland and Ireland. Various interpretations had been given to that paragraph of Her Majesty's Speech; but this was certain, that the announcement itself, coupled with the sentiments expressed last Session by the right hon. Baronet at the head of the Treasury on the subject, had occasioned great anxiety to be felt throughout Scotland, not unmingled with some feelings of distrust and apprehension, as to any plan which might be proposed, altering the system of banking which had been so long and so successfully established in that country. He had hitherto refrained from asking for any information on the subject, from a sincere desire not to precipitate the discussion of this question, or in any degree to embarrass the Government; but he thought it would not be conceived unreasonable that one connected as he was with Scotland should be desirous of obtaining on this the last day previous to the adjournment for the Easter recess, some information from the Government with regard to the nature of this contemplated change, and when it was likely to be promulgated. He put this question not on behalf of the great chartered banks of Scotland, but on behalf of the people of Scotland, who had been accustomed to think that a great portion of their prosperity was attributable to their system of banking, and who thought also that great evils would ensue if any injudicious interference (and he believed any interference would be injudicious) with that system were attempted. The question which he wished to put was, whether the noble Duke was in a condition to state generally the nature of the plan which the Government intended to propose in reference to an alteration of the law on the subject of banking in Scotland? and if not whether he would have the goodness to state when the measure would be proposed for the consideration of Parliament?

The Duke of *Wellington*: My Lords, I am not at all surprised at the anxiety which is felt to obtain a knowledge of the intentions of Her Majesty's servants on the subject adverted to in the paragraph in the Speech from the Throne to which the noble Earl has referred. I am concerned that it is entirely out of my power to enter into details on that subject. A similar question was put to my right hon. Friend the First Lord of the Treasury no later than last night, and his answer was that he could not at that moment state what the details of the plan were; but that he would take the earliest opportunity after the recess of detailing the whole plan to the House. I should think, even if I had a knowledge on this subject, which I certainly have not, that it would not be the most convenient mode of proceeding to enter into such details in this House previous to their being stated in the other House. As soon as the state of the business of the Session enables the right hon. Gentleman to bring forward this measure, it is his intention to do so. In the meantime, I beg to assure the noble Earl that there can be no risk of any danger such as he apprehends, from any measure which may be introduced by the Government.

The Earl of *Minto* said, that he did not entirely concur in the views which had been stated by his noble Friend (the Earl of Rosebery), for he did not see any reason why Scotland should be injured by being placed under the same restrictions which had been found to be useful in England.

The Earl of *Rosebery* said, that he hoped the measure would be postponed so as to allow of full time for its consideration in Scotland before it passed into a law.

The Duke of *Wellington* said, that every exertion would be made to bring the measure forward at the earliest period.

House adjourned to Thursday, the 3rd of April.

HOUSE OF COMMONS,

Tuesday March 18, 1845.

MINUTES.] BILLS. *Public.*—1°· Museums of Art; Public Museums, &c.

Reported.—Lands Clauses Consolidation (Scotland).

3°· and passed.—Sugar Duties.

Private.—1°· Glasgow and Shotts Road; North Woolwich Railway; Saint Matthew, Bethnal Green, Rectory.

2°· York and North Midland Railway (Harrowgate Branch); York and North Midland Railway (Doncaster Extension); Falmouth Harbour Improvement; Black Sluice Drainage and Navigation; Southwark and Vauxhall Water Company; West of London and Westminster Cemetery; Liverpool Guardian Gas.

Reported.—Wallasey Improvement.

PETITIONS PRESENTED. By Captain Maxwell and Mr. Shaw, from a great number of places in Ireland, for Encouragement to Church Education Society (Ireland).—By Mr. Colquhoun, from Newcastle-under-Lyme, by Sir R. H. Inglis, from Members of Bath Church of England Lay Association, and by Mr. Shaw, from Creaton, against Increase of Grant to Maynooth College.—By Sir R. H. Inglis, from Amlwch and Coggeshall, and by Col. Pennant, from Lleyn, against Union of St. Asaph and Bangor.—By Mr. Masterman, from Merchants, Bankers, and Traders, of the City of London, for securing to Colonists of New Zealand Just Laws, &c.—By Mr. J. Round, from Rochford, for Agricultural Relief from Taxation.—By Sir H. Douglas, from Merchants and Importers of West India Sugar, for Alteration of Sugar Duties.—By Mr. Mackinnon, from Bath, for the adoption of Measures for Improving the Public Health.—By Mr. Stafford O'Brien, from Limerick, for extending Sanatory Regulations to Ireland.—By Mr. Aldam, Earl of Arundel and Surrey, Alderman Copeland, Mr. B. Denison, Mr. Greene, Col. Pennant, and Mr. Ennis Vivian, from an immense number of places, for Diminishing the Number of Public Houses.

THE POST OFFICE.] Mr. *Ewart* wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer, on the subject of the Post Office. It had been the custom, since facilities had been given by the penny postage, for London tradesmen to send down small parcels by post to their customers in the country, and it had become a constant and extensive practice. He had understood that, in consequence of an order which had been lately issued, various parcels of this description had been opened. He did not believe that it was the intention of the order to give any such authority to the Post Office officials. A case had occurred in Regent-street, which had come under his cognizance, in which a parcel had been opened. He, however, felt convinced that it was not the intention of the Government to sanction such a practice; and he hoped the right hon. Gentleman would give him an answer to that effect, so that it might be conveyed to the public. There was another question upon the subject of the Post Office, which he wished to bring under the consideration of the right hon. Gentleman. If newspapers, sent from one party to another in London happened to have the names of the persons who sent them written on the outside, they were charged, instead of the usual sum of 1*d.*, about 3*s.* 1*d.* This was not the case with papers sent into the country with a name written upon them, and he did not think it reasonable that an additional charge should be made in London.

The *Chancellor of the Exchequer* was not aware of any such order having emanated from the Post Office Department as that alluded to. With respect to the other subject to which the hon. Member referred of packets sent by post being opened in the Post Office, he rather suspected that the hon. Gentleman had been led into error by the account which he had received. It was certainly true that in consequence of a pair of scissors, and also a part of a deceased body in preparation, having been forwarded through the Post Office, it became necessary to make an order that articles such as bottles, and flesh, and fish, by which other parcels going in the same bags might be injured, should not be allowed to pass through the Post Office. He had given a copy of that order to the hon. Gentleman, and it might happen that under it parcels, containing such articles as scissors, might, when necessary, be opened, but there had been no other order whatever authorising the opening of parcels issued from the Post Office. He had heard of but one complaint of any other description of parcels being opened, and that was under investigation.

THE WINDOW DUTIES.] Lord *Duncan* rose to move, pursuant to notice,

> "That a Select Committee be appointed, to inquire into the present mode of assessing, levying, and collecting the Window Duties in Great Britain, and to report their opinion thereupon to the House."

He said, he was fully aware of the difficulties of the situation in which he was placed. He stood there an untried, unpractised debater, but, at the same time, when he reflected that he stood there as the Representative of a large constituency—a constituency which, next to London and Liverpool, contributed the largest amount to the window tax of any town in the kingdom—he felt that he had some right to claim the attention of the House whilst he endeavoured to the utmost of his humble ability to do justice to the subject which he had undertaken to bring before them. He brought forward the Motion with no ambition on his part to excite party feelings, and no wish to harass or embarrass Her Majesty's Government. He introduced it to the notice of the House solely from a strong conviction of the injustice, inequality, and impolicy of the tax, and with an ardent hope that, even should his Motion have no other good result, it might, at least, direct public inquiry to the matter, and thus lead, either sooner or later, to a redress of some of the crying grievances of which at present he felt he had just cause to complain. It was with surprise that he had heard a remark which fell from the right hon. Baronet at the head of Her Majesty's Government, on the occasion of his introducing his financial measures at the early part of the present Session, that while there were 3,400,000 houses in Great Britain which would be benefited by a repeal of the glass duty, only 450,000 houses out of that number contributed to the window tax. From this statement it would appear that there were 3,000,000 houses exempt from the window tax, and that this number would be benefited by the repeal of the glass duty beyond the proportion which would obtain any benefit from a repeal of the window duties. But what were the facts? Why were such a number of houses exempted from the window tax? Some were exempt because they were occupied by tenants who paid less than 200*l.* a year, and which houses were therefore the property of wealthy proprietors; some where the edifices were used as warehouses by wealthy merchants; and others because various plans were adopted for evading the tax. Many of the exempted houses, too, were old edifices inhabited by the poorer classes, who evaded payment of the tax by building up the windows necessary for the purposes of light and ventilation. This was not his opinion alone, but it was the opinion of Mr. Biers, the President of the Carpenters' Society of London. That gentleman, in a letter addressed to him (Lord Duncan), made the following remarks:—

"I beg to inform you that in almost all the poorer description of houses in the metropolis and large towns, owing to the window tax, there are sure to be some of the appurtenances left unlighted and unventilated. These appurtenances are, for the most part, the privies and the wash-houses, the very places most requiring air and ventilation. In every old street in London, built before the tax was heavy, it will invariably be found there are a much larger number of windows than in the new ones, which have been built with a view to evade the tax. In every one of the houses that I have built since the re-survey in 1840 and 1841, I have, most reluctantly, been forced to give up three out of every four of the apertures for ventilation which ought to be placed, as a matter of course, in the outbuildings of every dwelling-house."

He had also received a letter on the same subject from Dr. Southwood Smith, which he would beg leave to read to the House:—

"My Lord — In reference to any plan for improving the dwellings of the poor, it is the more necessary to call the attention of the Government to the importance of a remission of the window duties, as this is the only point of consequence omitted in the remedial measures recommended by the Commissioners on the Health of Towns, in their admirable Report just laid on the Table of the House. Their evidence is full and complete as to the influence of air and light on the health of the people; but the effect of the present window tax is to exclude these blessings to a great extent from the abodes of the poor. In many hundreds of their houses which I have visited, I have had to grope my way in total darkness, one story after the other, from the blocking up of the windows to avoid the window tax.

"S. Smith.

"*Finsbury-square, Feb.* 15, 1845."

He would call the attention of the right hon. Gentleman the Chancellor of the Exchequer more especially to the town which he had the honour to represent, and in one street in that town he found the following instances of the ruinous consequences of this tax. At No. 10, Galloway's Buildings, Bath, there were upwards of twenty windows shut up in a house in which twenty-seven families are at present living in partial darkness. Again, at No. 9, in the same street, there were twelve windows out of thirty-one stopped up, in consequence of which the house is no longer let to respectable tenants, but to the most depraved characters; and at No. 22, which contained originally twenty-two windows, several, including the water-closet window, had been stopped up within the last few months. Now, what he wished to know was, how such cases as these were to be met by a repeal of the duty on glass? He could not see how a remission of the glass duty would benefit the houses already erected, though, of course, it would be a great advantage in the case of houses that were building or that were to be hereafter erected. The right hon. Baronet had referred to the antiquity of the glass duty; but on that point he would be ready to meet the right hon. Gentleman, as the window tax not only went back to the time of the American war, but it dated as far back as the hearth-money itself. The latter was not so odious to Englishmen on account of the amount collected, as on account of the vexatious mode of collecting it. The Act of Charles II., chap. 13 and 14, was the last Statute by which it was imposed. In the reign of William and Mary, in 1689, an Act was passed, from which he would read the following passage to the House:—

> "Whereas, hearth-money is not only a great oppression to the poorer sort, but a badge of slavery to the whole people, exposing every man's house to be entered into and searched at pleasure by persons wholly unknown to him; therefore, to erect a lasting monument of their Majesties goodness, the odious duty of hearth-money is hereby taken away and abolished."

Blackstone says, the prospect of this monument of goodness was speedily darkened, as only eight years later, in 1696, an Act was passed, imposing a duty of 2*s.* on all dwelling-houses in the kingdom; 4*s.* additional on all dwellings with ten windows, and 8*s.* additional on all dwellings with twenty windows. In Queen Anne's reign these last duties were raised to 20*s.* and 30*s.* In George the Second's reign, in 1747, Pelham first separated the window duties from the house tax. During the eighteenth century, fourteen Acts were passed by fourteen different Chancellors of the Exchequer, each adding to the window duties; in 1797 Pitt trebled the assessed taxes and window duties; and in 1808, Mr. Percival, who was then Chancellor of the Exchequer, added 30 per cent. to these duties, and passed the Act 48th George III., chap. 55, under which the window duties and assessed taxes were at present levied. Since the passing of that Act another Act was passed, in 1812, adding 10 per cent. to the window duties. In 1823, an Act was passed by Mr. Robinson, reducing the duty on windows one-half. In 1825, Mr. Robinson exempted houses under seven windows, and also interior windows deriving light from exterior windows, farm-houses occupied by agricultural labourers, and houses used for the purposes of trade, &c. The 3rd and 4th William IV., chap. 39, 1834, passed by Lord Althorp, repealed the house tax, and left the window duties untouched. Then came the Act of 3rd and 4th William IV., chap. 55, 1834, which professed to relieve persons who were duly assessed, or who had compounded at the time of the passing of the Act, provided they had made no alterations in their houses, and had not changed their residence. The Act of 4th and 5th William IV., chap. 73, exempted the houses of agricultural tenants under 200*l.* per annum; and finally they had the Act of Her present Majesty, passed in 1840 (Baring's Act), imposing an additional 10 per cent. on windows. The result of all these enactments collectively, and not of any one of them in particular, was the establishing of a sliding scale of the following rates:—

	£	*s.*	*d.*
7 windows . . .	exempt.		
8 windows . . .		18	1
9 windows . . .	1	3	0
10 windows . . .	1	10	9

Thus increasing gradually up to thirty-nine windows, at which number

Per window
s. *d.*
It reached its maximum charge of . 7 8.

The scale then declined, all five numbers the same:—

			s.	*d.*
	40 to	44	7	6¾
	50	54	7	3½
	60	64	7	0¼
	70	74	6	9¼
	80	84	6	6½
	90	94	6	4¼
By tens .	. 100	109	6	2½
	150	159	5	9
	180	. . . . . .	5	6¼
	280	. . . . . .	4	2
	500	. . . . . .	2	7¼

So that they had a scale exactly diminishing from thirty-nine upwards in an inverse proportion to the probable means of the persons who pay it. The scale was only to be judged by some examples which he would proceed to cite, from houses in various parts of the metropolis. He would take, in the first place, the house No. 4, Whitehall-gardens, in the parish of St. Margaret's, inhabited by the right hon. Baronet oppposite (Sir Robert Peel). It contained seventy-two windows, which at 6*s.* 9¼*d.* per window, gave a total tax of 24*l.* 6*s.* 9*d.*, or a rate of 3½ per cent. on the rental of the house, which, according to the Property Tax Returns, was rated at 700*l.* a year. He would contrast this with the house, No. 1, Abbey-street, Bath, inhabited by Thomas Combes, a cabinet-maker. This house had thirty-three windows which were taxed at 7*s.* 4¾*d.* each; which, the rental of the house being 35*l.* a year, showed a rate of upwards of 30 per cent. Again, he would leave the House to contrast the following Returns, which the noble Lord read—

	Number of Windows.	Window Tax.	Per Window.	Valued Rent to Property-tax Returns.	Pays Window-tax per centage on rental.
		£ s. d.	s. d.	£	
Apsley House, Duke of Wellington	129	37 5 1	5 11⅓	2,000	2⅜
Earl of Chesterfield	160	47 5 3	5 8½	2,000	4½
Duke of Beaufort, ...	162	47 5 3	5 8½	2,000	4½
223, Regent-st..	15	3 17 0	3 10	140	not 2 pr. ct.
POOR.					
Lancashire-court, Francis Beazley, plasterer ...	20	6 3 5	6 2¼	32	20 per cent.
Little Stanhope-street, G. H. Hazlewood	24	8 0 3	6 8	50	16 per cent.
Chapel-court, Westminster, John Weston plasterer ..	21	6 12 6	6 3¾	40	15 per cent.
5, Pollen-street Wm. Lee, publican ..	19	5 14 1	6 0	35	15 per cent.
1, Peter-street, St. James'..	27	9 8 1	6 11¾	35	26½ per ct.

He was very much surprised at two Returns which had been laid on the Table of the House that morning. One of these, which was given at the instance of his hon. Friend the Member for Montrose, stated that the amount of window duty in 1841 was 1,830,457*l.*, and in 1844 a sum of 1,743,400*l.*, showing a decrease of 87,057*l.* The other Return, to which he wished more particularly to call the attention of the hon. and gallant Member for Brighton, stated the amount of window tax in 1841 to be 1,774,638*l.*, and in 1844 to be 1,786,514*l.*, being an increase for 1844 over 1841 of 11,876*l.* How these two Returns—one making an increase of 11,876, and the other a decrease of 87,057*l.*—between the same years was to be accounted for, he was utterly at a loss to conceive. He thought that discrepancy alone would warrant him in demanding a Committee of Inquiry on the subject. He was strengthened in this view because these Returns made the amount received from the six towns in England yielding the largest income under the window tax less in every instance in the latter year than in 1841; while the total receipt for the entire kingdom was stated to be greater. For instance, in Bath, the window tax in 1841 was 22,408*l.*, and in 1844 it was 21,551; and similar reductions were made in the cases of Bristol, Leeds, Liverpool, Norwich, and Plymouth. Being rather a young Member of the House, he found it necessary to consult Mr. Porter's work, and his surprise was increased by finding there again a different account from that which he had just cited from the Parliamentary Returns. The following Returns were from that work:—

		Population.	Increase.	Decrease.
	£		£	£
1826, Year after the duty reduced half	1,146,417	15,464,000		
1837, Year after the last exemptions.	1,254,325	16,500,000	.. ..	107,908
1839, Year before the new survey	1,298,662	18,000,000	44,297	
1840, Year (1st) of the new survey	1,404,642	 18,500,000	106,020	
1841, Year (2) of the new survey	1,664,053	.. ..	365,431 (on 2 yrs.)	
1842, Year after the survey	1,569,344	Near 19,000,000 to 20,000,000	.. ..	94,709
1843, Two years after the survey	1,545,281		.. ..	24,063
1845.	Houses Assessed.			Decrease. 1845—1843
There are at present in England only	409,235	.. ..	.. ..	38,185
There were, in 1843........	447,420			
1843.			Paying.	
Of these houses there were under 12 windows.	232,864	more than ½	£317,451	
Under 20 windows	369,149	more than two-thirds	£836,181 (more than half the tax)	
Under 40 windows	429,723	more than ⅔		
Above 40 windows..	17,697	less than 20th part.	£267,920	

Thus, while the population increased from 18 millions in 1839, to 20 millions in 1843, the window tax, instead of increasing, exhibited an actual falling off. All the accounts agreed in stating that in 1840, the first year of the new survey, a very large increase took place in the income derived from this tax over the previous returns since the passing of Lord Althorp's measure of 1834. He would presently call the attention of the House to the last named Statute. It professed to relieve persons who were duly assessed, or who had compounded at the time the Act was passed, and all such persons were entitled to open any number of windows in their houses that they pleased. That Act was so carried out until the year 1840, when it was discovered that the expenditure of the Empire began to exceed the income. A correspondence then commenced between the then Chancellor of the Exchequer and the Commissioners of Taxes and Customs, and the result was a very great activity in the collection of all taxes. It was determined to have a re-survey of all the windows in the kingdom, and the consequence was that a number of men who on the faith of the Act of Parliament of 1834 had been gradually opening windows in their houses, found themselves of a sudden in the gripe of a very hungry Chancellor of the Exchequer. The very first person who suffered under this change in the working of the law—and he wished to draw the attention of the learned Solicitor General in particular to the fact—was William Cotton, Esq., of Ellesmere, a solicitor, who from his profession ought to know the law of England if any man could be supposed to know it. Mr. Cotton claimed exemption because he had opened no additional windows, and had not changed his residence, but the Judges decided against him. The Commissioners at Ellesmere ruled in his favour, because they said that otherwise the Act of William IV., c. 55, would be repugnant to the feelings of Englishmen, that it would be a snare to the unwary. They also said that if the reasoning of the surveyor was correct, a system of oppression would be legalised against householders, of which happily there was at that time no modern example; but still the Judges held that, according to the law of the land, Mr. Cotton was liable to every window that he had opened under the faith of the Act of Parliament. Another case was that of Mr. Edwards, of Wigan, draper, who was surcharged for opening eleven windows under the supposition that he had been duly assessed in 1834, and he was afterwards fined for using a seal attached to a pencil-case in sealing a letter which he had written on the subject. The following cases would still farther show the hardships inflicted under this law:—

> "William Davies, of Corrys, was surcharged by the surveyor for a window in his garret, and in his appeal he stated that it had been opened, not for the purpose of giving light, but for the purpose of admitting air for drying skins. A poor old woman, named Lewis, was surcharged by the surveyor for two windows in her wash-house, with wooden shutters and unglazed. The Rev. Richard Jones was surcharged for a hole in the wall of his wash-house without glass. In all these cases the Judges decided, on appeal, that the persons were all liable under the Act of Parliament. Thomas Marshall, of Spondon, county of Derby, was surcharged for an aperture into his cellar, grated with iron bars, which did not admit light enough to preclude the necessity of using a candle. Mrs. Jane Evans, of Dinas, tollgate-keeper, stated that she was a widow, and so poor that she was exempt from poor's rates, had opened two additional windows, making nine windows in all. The Commissioners relieved her, but the Judges decided against her. Professor Scholefield, of Cambridge, was declared by the Judges to be properly surcharged for a window; such window being a hole in his coal-cellar used for shooting coals through. Mr. John Hatch, of Soham, Newmarket, declared to be properly surcharged for a hole in his coal-cellar, as a window. Mr. John Wilmer, of Aylesbury, found liable to pay window duty for two windows stopped up with lath and plaster, whereas the outside of his house was built of brick. Mr. George Sowter, of Derby, surcharged for a window, said window being an opening in his cellar grated with iron bars. Mr. Robert Pritchard, in Wales, surcharged for windows which he had stopped up fifteen years previously with wood, his outside walls being of stone. Mr. Richard Deller, Andover, surcharged for a hole in his cellar with wooden bars in it, and no glass. Mr. Hickson states in the second volume of the Sanatory Report;—'I spoke but lately to a man in humble circumstances, who had put into his privy a single pane of glass. It was discovered by the assessor, and money being an object, the pane of glass was removed, and the opening bricked up.' Mr. John Gould, of Frome, appealed against a surcharge for eight windows. Mr. Gould stated he had blocked up three windows which were not in the house in which he resided, but in one which communicated with it, with loose stones and paper. The assessor stated that the paper had been torn by the wind, and light admitted through the crevices of the stones. The Commissioner decided in favour of Mr. Gould, but the Judges ruled against him."

There were many other cases equally strong which he had then before him, but he would not waste time by referring to them. The House might perhaps consider that the cases were ridiculous and trivial; but he could assure them that the subject was one which created a very strong feeling out of doors. It had been also decided that perforated plates of zinc fixed in external walls for the purpose of ventilation, would be surcharged as windows. A deputation waited upon the Chancellor of the Exchequer on the subject, and the right hon. Gentleman on the 22d May, 1844, stated "that perforated plates of zinc, although fixed in an external wall, would not be chargeable with the window duties;" but since then Mr. Pressley, the Surveyor of Taxes, gave it as his opinion that every hole made in these perforated plates could be separately charged for. He would like to hear what explanation the right hon. Gentleman the Chancellor of the Exchequer would give upon this subject. The importance of proper light and ventilation in ensuring health was fully borne out by the Report of the Sanatory Commission.

In the second volume of that Report he found the following evidence bearing upon this point:—

> "Dr. J. Hickson stated that 'houses having seven windows are exempt; but the window taxes are not therefore inoperative as regards the working classes who live in large towns. In London the poor do not live in cottages. One more window would possibly let a little sunshine into a sick room. But the landlord says, 'No, the house would then have eight windows, and I should have to pay 18*s.* 6*d.* per annum.' And again, 'the window duties operate as a premium on defective construction. The majority of the houses of the second and third classes will never be constructed so as to be healthful dwellings as long as the window duties exist.'"

Mr. Hugh Biers said that—

> "The assessors can charge the window duty if there is an opening in an external wall, even if constructed to let off impure air."

Mr. Corbett, architect, of Manchester, also bore testimony to the injurious effects of darkness and imperfect ventilation. Mr. Little, builder, said, "sickness was the greatest evil a working man has to contend with;" and Drs. Arnott, Joynbee, and Dr. Guy, all concurred in ascribing much of the illness that prevailed in the country to bad ventilation. Nathaniel Bradshaw Ward gave it as his opinion that solar light and air were necessaries of life. He also stated, that in the dark side of Petersburgh barracks, uniformly the deaths for many years have been in the proportion of three to one. Mr. Ward added, "If I were on my oath, I should say that light was a remedy." Dr. Southwood Smith said,—

> "It is remarkable that the seats of disease are the seat of crime. There is evidence that the working classes lose the manly spirit natural to the English race, from living in dark abodes. The operation of causes of death are steady, unceasing, sure. The annual slaughter in England and Wales, from preventable causes of typhus fever alone, which attacks persons in the vigour of life, is double the amount of what was suffered by the allied armies at the battle of Waterloo."

Were they the Representatives of that people, and would they suffer such a state of things as that to continue? Were they, who regarded themselves as the Representatives of the most civilised, the most enlightened, and the greatest commercial people on the face of the globe, to allow that people to endure such destructive oppression? Were they to forget that, under Divine Providence, it was the manly spirit of the working classes of England that raised their country to her present proud pre-eminence? Were they to forget—and was he, of all men, to forget—the glories of the last war, and the debt that was due to the people by whose bravery their navies swept the seas, until their own manly spirit was raised up to oppose them in the American navy? Were they to forget the great commercial and manufacturing warfare that was now waging in every corner of the globe; in which, in despite of Zollvereins in the Eastern and of hostile Tariffs in the Western hemisphere, England was still maintaining her wonted superiority in every part of the globe? Foreigners might borrow the machinery of England—they might borrow the capital of England; but they found they must also borrow the manly spirit of her workmen before they could succeed in competing with her. And were they — the Representatives of the English people—to sit there debating, in halls ventilated at the public expense whether the manly spirit of that people was to be broken and destroyed by a tax on ventilation and light? No; he must appeal to the right hon. Baronet at the head of Her Majesty's Government—to one who, as a private man, had not shown himself indifferent to the comforts of the working classes in his native town—he must appeal to that Minister who had granted the Sanatory Commission from whose Report he had quoted; who had called attention to that Report in the Speech from the Throne; and who had recently granted a charter to a society framed for improving the dwellings of the working classes in the metropolis. He appealed from him to the Chancellor of the Exchequer—to him whose heart, as a man's, shrunk from fulfilling the duties which his office imposed upon him, when those duties pressed upon the health and comfort of the people, and who endeavoured, as it were, by a sort of side wind, to give them leave to ventilate their dwellings. He called on that right hon. Gentleman to act up to the professions which he had so eloquently explained a few evenings ago, and to grant that Committee which would ultimately enable him to take off a tax from two of the necessaries of life, light and air. He did not ask the right hon. Gentleman to give him the 300,000*l.* which he proposed to remit in auction duties, though that sum would enable them to take off the tax from all houses having less than twelve windows, the window duty on these houses amounting in the aggregate to just 317,000*l*. All he asked for was a Committee of Inquiry. He wanted that Committee to learn how it was that 836,000*l*. out of the million and a half which the tax produced was paid by houses having less than twenty windows each, and that 1,843,000*l*. of the entire sum was paid by houses having under forty windows each, leaving only an insignificant amount to be levied off the mansions of the wealthy. He wished for a Committee to know why the tax should press more heavily on the towns than on the agricultural population. He asked for an inquiry why the tax pressed so much more heavily on the poor than on the wealthy. Why it was that Englishmen were dragged up and punished for not obeying old laws, which, even if they had read, they would probably be unable to understand. He did not ask for a remission of the tax, but he asked whether the right hon. Gentleman could not find some less objectionable mode of collecting the amount which he received from it? Whether, for instance, he might not make up the million and a half by a small per centage on the rental of the kingdom under the Property Tax Returns? The people of England were just, and were always anxious to pay their taxes, and he did not think, therefore, that the remedy which he suggested would be thought oppressive or unfair. The window tax was one, he could assure the right hon. Gentleman, that never would be paid with willingness by the constituency which he represented; for they could not understand why other towns, with treble their wealth and double their population should be paying a less amount of tax than they did. For these reasons he begged leave to move, in the words of his Motion, that a Select Committee be appointed to inquire into the present mode of assessing, levying, and collecting the Window Duties in Great Britain, and to report their opinion thereupon to the House.

Captain *Rous* seconded the Motion. In doing so he had no wish to embarrass the Government in their financial arrangements for the present year. He was satisfied that a tax producing 1,700,000*l*., could not be at once removed in the present state of the Revenue; but still steps could be taken greatly to modify it, and get rid of much of its oppressiveness. At present it operated as a very great hardship on mechanics and artisans living in cities and towns, and it occasioned very great distress, and, therefore, it became the duty of the Representatives of such places to state the complaints of their constituents on this subject to Parliament, and endeavour to obtain redress. He was sure that his right hon. Friend at the head of the Government must, as a statesman, wish at any rate so far to modify this tax as to get rid of its vexatious hardships upon such a large number of the inhabitants of towns. This tax, when it was proposed by Mr. Pitt, was distinctly declared to be intended only as a war tax; and succeeding Administrations had repeatedly promised that it should not be continued in time of peace. Every succeeding Government, however, since the Peace, had kept it on; but each had promised that it should be greatly modified; but the only material modification that had taken place in it was one with a vengeance, namely, the additional 10 per cent., imposed by the late Government. It operated extremely oppressively in many parts of Westminster, and was levied with extreme severity on the habitations of the poorer classes. He knew some parts of Westminster where this tax was charged equivalent to 26 per cent. on the rental, while in Regent's-park it was only 2 per cent. on the rental. He found also that the charge for the window tax on the Reform and Carlton Clubs was about 2½ per cent. on the rental. It operated also most unequally on different parts of the country, and on different classes of persons. It appeared from the last census, that there were 3,600,000 houses in England and Wales, while only 444,000 were rated to this tax. It did not affect the agricultural labourers as it did the artisans and those engaged in trade and manufactures, who resided in towns. For these reasons, he only considered it to be a duty which he owed to his constituents to give his support to the Motion of the noble Lord.

The *Chancellor of the Exchequer* said, that of the many duties which devolved on the individual who filled the situation which he had the honour to fill, none were more disagreeable than to be called upon to defend the continuance of a tax which gentlemen wished to have modified or repealed. It was impossible to deny that every tax in itself, however wisely apportioned, was an evil; and pictures might be drawn of the operation of any tax upon some particular class of the community, which would induce Gentlemen in that House, as well as those out of doors, to wish that such a tax should no longer exist. This applied more particularly to direct taxation, as a direct demand of money by the tax-gatherer always added to the aggravation of the tax in the minds of the parties upon whom it was levied. He could readily state reasons against the imposition of any specific tax, and among others against a window tax; but the House must consider the necessities of the country, and that a certain amount must be raised by taxation: the question will be whether this tax has larger claims than others to be repealed. The noble Lord who brought this Motion before the House, stated in detail many cases of evil arising from the operation of the tax. He had no doubt that cases of inconvenience might arise from the fair operation of the tax. Other cases of a similar character might arise from the misunderstanding, and, consequently, the misadministration of the law on the part of certain parties, and, perhaps, such cases of inconvenience were not rare. But whatever power the Government had to prevent cases of grievance in the collection of the tax would always be exercised for that purpose, and afford a remedy as far as possible. He believed that this had been the case with all Governments; but he could speak with perfect confidence as to the course pursued by the present Government. It often happened that statements were made in that House with respect to this tax, which were either not exact or greatly exaggerated. He did not wish to throw doubt as to the desire of hon. Gentlemen to state facts as correctly as possible to the House; but in particular instances parties giving information on such subjects were, from excited feelings, led into errors, which on inquiry would be admitted to the errors. In consequence of this having in some cases come to his knowledge, and in consequence of hearing some statements from the noble Lord, of cases of grievance when the subject was last before the House, he had ordered inquiry to be made into the complaints respecting some particular houses at Bath. He would now state the result of his inquiry in two of these cases, and he could state several others if it were necessary. The first case was that of No. 10, Galloway-street, with respect to which it was stated that in this house there were originally fifty-seven windows, and that so many had been closed as to reduce the number to twenty. The next was the adjoining house No. 9, in which it was alleged that a considerable number of windows had been closed also. The result of the inquiry that he had directed to be instituted respecting the former house, stated that the assessment for the window tax for the year 1843-4 was on thirty-four windows, and for the year 1844-5 was thirty-five, showing an increase of one in the number of windows in the latter year and of fifteen beyond the number stated. With respect to No. 9, Galloway-street, he was informed that it was a house of ill-fame, and, therefore, perhaps it might have been found advisable to stop up some of the windows for other reasons incidental to the occupancy, quite irrespective of the window tax. Another grievance to which the noble Lord alluded, and which had not been mentioned then for the first time, related to a supposed breach of faith on the part of one of his predecessors deduced from some expressions which he had used. It was stated that parties had been told some years ago that if they opened additional windows they should be relieved from the tax on them, and notwithstanding this the tax had been charged. Whoever had the slightest knowledge of the noble Lord to whom allusion was made, must be fully aware that nothing was more foreign to his nature, than even an approach to a breach of faith. But if any one would take the trouble to look into the matter, they would acquit Lord Althorp of anything of the kind. It had been said that in 1834 that noble Lord had distinctly stated that persons might open additional windows without any additional duty; and that having made this statement, in the course of the progress of the Assessed Taxes Composition Bill through the House, he inserted a clause in which it was stated that persons duly assessed should be so exempted. The breach of faith is charged upon the insertion of the words "duly assessed." The House should remember the circumstances under which this, which was now regarded as a grievance occurred: 1834 was the period at which the Act for the composition of assessed taxes for five years expired. On renewing it the noble Lord said that those who availed themselves of the composition might open new windows in their residences without additional charge. Therefore, what the noble Lord promised was personal to the individual, and was not attached to the house itself. At that time, all these houses were open to a new assessment, so that it might be seen that they were duly assessed. It had been stated, however, as the expectation of the parties, that these houses for which a composition for five years had been made, were not to be assessed under any circumstances for new windows. Could any rational man suppose, that under such circumstances there was to be a permanent relaxation, even after the tenant who had made the composition had left the house? This would be giving an additional value to the particular house, and would be a most unjust proceeding towards other holders of house property. Such was the nature of the charge against the noble Lord; and he need hardly add that there was no sense or justice in alleging that there was any breach of faith. Another objection to Lord Althorp was, that those who availed themselves of the benefits of composition, were re-assessed. Why, one of the conditions of the composition was, that the parties should be duly assessed at the time of making it. It was not for a man who had previously stated that he had ten windows, when he had twenty, to complain that he was improperly assessed. If such a case had been allowed to pass, it would have been composition indeed, not for a tax, but for an offence, and one which neither the noble Lord contemplated nor the law allowed. With respect to the Motion of the noble Lord, he did not feel that it was consistent with his duty to consent to go into a Committee to inquire into the mode of assessing and levying this tax. He knew what was the meaning of such a Committee; it was, in fact, nothing more than to express such an opinion on the part of the House on the subject that the window tax must be removed; and thus embarrass the Government, by imposing on them the necessity of raising by some other tax, an amount of money equivalent to it. The noble Lord said that the amount of this tax was about a million and a half; but was that House, in the present state of the finances of the country, able to give relief to the amount of a million and a half? The hon. Member for Montrose had suggested that it should be for the Committee to inquire whether it would not be advisable to substitute a house tax for the window tax. This was not a new proposition. A few years ago the House had before it both the window and the house tax, and it determined, after considerable deliberation, that the house tax should be removed, and the window tax retained. Whether this proceeding was right or wrong was another question to determine; having to raise a million and a half, you decided that it should be raised on windows and not on the assessment of the value of houses, and it was not right to excite a feeling that you were now about to change those taxes. The change of a tax of this kind would be a very unwise proceeding. It would embarrass the proceedings of many parties who had made calculations as to the taxes they would have to pay. It would excite the hopes of those who thought that they should benefit by a change; but it would rouse the feelings of those who would have to pay an additional tax in the shape of the house tax. It was stated that out of upwards of 3;000.000 of houses in England and Wales, 444,000 only paid the window tax. In the exceptions from the payment of the tax were the habitations of the lower classes of the people. All those, however, who occupied the smaller class of houses and the lower class of farms did not pay it. His own conviction was, that the lower classes of the community were not particularly burdened by this tax. It should be remembered that this tax was only applicable to one-eighth of the house-occupiers of the country, while the house tax formerly operated on one-seventh. Therefore, the substitution of one tax for another would naturally bring under assessment for the house tax not less than 27,000 more than now paid the window tax. Therefore, when a wish was expressed to relieve a particular class of persons paying the window tax by the substitution of another tax, the hon. Member would include with those paying that tax a set of persons who were now exempt from it. If this were the result, the House might depend upon it that they would be called upon more loudly than ever to return to the former tax. He was aware that the window tax operated on large houses let out in separate apartments as dwellings for the poor; but he was ready to maintain that this tax acted upon the landlords of these houses, and not on the individuals who occupied them. He asked what effect the taking the window tax off would have on the poor classes occupying such houses? He was ready to show that it would be attended with no remission of rent. The fact was, that the rent did not so much depend on the taxation of the house, as on the demand for houses of a particular description in particular localities. The taking off this tax would not lower the rents of apartments for which two or three shillings a week were charged. The amount of remission would go into the pockets of the landlord. It should be remembered that the Legislature, by widening and making new streets, produced an enhancement of the rent of this class of houses. Many men engaged in occupations in town had been by this means driven to Portland-town and other similar localities; but in consequence of the great distance they had to walk to their work, there was an increased demand for apartments in those large houses let out to the poorer classes. Many men consequently lived in such places rather than walk to a great distance when they could get habitations better ventilated, and with less rent. As long, therefore, as a great demand took place for lodgings in a particular locality, they might depend upon it that the remission of the window tax would not afford relief to the inhabitants of such places, but would merely add to the incomes of the landlords, whom it was not intended to benefit. He did not admit that any possible advantage could arise from going into Committee. It was no doubt the duty of the Government, as the noble Lord had stated, to look into any abuses, and their attention had been so directed, and wherever complaints were made the cases were investigated, and this would continue to be the case. To go into the Committee in question would only be exciting expectations which it would not be possible to satisfy, as it would give rise to the belief that the window tax would be repealed. He therefore felt bound to resist inquiry. There was another point adverted to by the noble Lord, namely, that the window tax affected the health of the people. If this could be proved, it would be undoubtedly an additional reason for the House to consider the subject; but he believed, and all his experience had confirmed this belief, that the poorer class of persons look more in their dwellings to warmth than to freedom of ventilation, and that they suffered more from cold than from the exclusion of air. It would be found that those employed in manufactures entertained strong prejudices against the ventilation of their dwellings, as not consistent with their health, and that they constantly closed every aperture which would increase the supplies of air. He was not disposed to give so much weight to the statement made by the noble Lord as some gave it. He found in the Report on the Health of Towns, which went into the examination of all the causes which excited fever in the metropolis and other towns, that there was not an observation in it which tended to show that the window tax in any way operated to affect the health of the inhabitants of towns. They would find it stated in that Report, that one of the chief causes of fever was the building small houses back to back, so that there could not be a free ventilation through them, and having filthy courts and open drains surrounding their dwellings. He was sure if the authors of that Report believed that the window tax was the cause of fever, they would have stated it. Much might be stated to prove the contrary. It was a fact that houses which paid no window tax were not more healthy than those which paid it. He admitted, however, that if it could be shown that the continuance of this tax affected the health of the inhabitants of towns, it would be an argument with that House to get rid of it. He believed that that could not be shown, and he, therefore, in conclusion, begged the House not to take upon itself what was the duty of the Executive Government, and excite expectations which could not be satisfied.

Captain *Pechell* said, whatever doubt they might have as to the policy of agreeing to this Motion, there could be no doubt whatevever that it had been introduced by a most talented and excellent speech by the noble Lord. A more convincing argument he had never heard, and the facts which the noble Lord had brought forward with such diligence showed very clearly the injustice and iniquity of this tax. He thought that there could be no difference of opinion as to the manner in which the Chancellor of the Exchequer had replied to it. The principal topic of the noble Lord's speech was in respect to the vexatious way in which this tax was levied and assessed. The Chancellor of the Exchequer had, however, wholly avoided grappling with that part of the subject. He should wish to refresh his memory in regard to those Papers which had been laid upon the Table of the House, and he must at the same time refer to the difficulty that existed in getting information as to those surcharges. These cases had never been reported to the public, nor had these returns ever been printed. They were told that in case of a surcharge they might go before the surveyor and look for a precedent. He did not consider it at all fair to send the aggrieved party before the prosecutor in his case. Let them look to the number of window appeals which they had had since the additional 10 per cent. was put on. It appeared that in England and Wales, out of 506 cases of appeal against the window duties, which were decided by the Judges, not one tenth of them was made to the Commissioners. In Scotland 738 cases had been decided by the Judges. They had no means of ascertaining how many cases of appeal had been brought before the Commissioners. This was the disadvantage they laboured under; for the Chancellor of the Exchequer had refused to give the Return, which would have elucidated this subject. He was, therefore, obliged to make use of those materials only which he could obtain to support the Motion of the noble Lord. It appeared that in one Welsh case alone there were forty-five other cases included, so that it was impossible to give an opinion as to the exact number of such cases. In order to clear up this discrepancy, he would consider the state of the window duties in the year 1841, compared with what they were in 1844; and he submitted that the facts which were thus disclosed would be quite sufficient to demand an inquiry. In 1842, the Judges decided against local claims in thirty cases out of sixty cases. He was bound to show that in four years, up to the year 1835, there were 532 cases of appeal, 472 of which related to the window duties. In 1840 there were 115 cases decided by the Judges on appeal from the Commissioners, on which sixty-eight were on the window duty; and in 1842 the number of appeals was 123, and sixty of these were on the window duty. Altogether there were, from 1831 to 1844, 1,138 cases of appeal decided by the Judges, 412 of which related to the window duties. These details were sufficient to justify this demand for an inquiry. Again, he would mention the fact, that the year following the imposition of the additional duties, the new assessments in the twelve principal towns of England showed a falling off in the number of assessments; which could be accounted for only by a decline in the wealth of those towns, or a determination of the people to cheat the Chancellor of the Exchequer by stopping up their windows. In Scotland, where the several floors of a house were let out to the poor, it was a gross injustice to make a poor man, who had only four or five windows, liable for the duty on the whole house. The duty was of course charged to the proprietor of the house, and, being so charged, it was clear that it was a tax upon property, and not upon light. From the Returns before the House it appeared that the number of persons imprisoned for the non-payment of the assessed taxes in the year 1844 was 216, the lowest sum being 4*s.* 4½*d.*, and the duration of the imprisonment varying from one day to fifteen or eighteen months. How much longer it might be in some cases these Returns did not show. But the Chancellor of the Exchequer said that the imprisonment would cease on the payment of the penalty, and that imprisonment also followed the non-payment of game duties. There was, however, this difference between the two cases—that no person could be imprisoned under the game laws for any sum under 5*l.* for a longer time than three months; but when once a man was thrown into the Exchequer, no matter how trifling the amount might be, he might remain in prison for an indefinite number of months. It was monstrous that a man should be imprisoned for months on account of a few shillings, and that the county rates should be burdened in his absence from his family with their support. There was also another injustice about it, that a man might be imprisoned through the fault of the surveyor, who was the servant of the Chancellor of the Exchequer; for nine out of every ten cases of imprisonment were found to rise from improper assessments. He thought this was a question which the agricultural Gentlemen, or, as they called themselves, the farmers' friends, would do well to inquire into. It might be said that this was not a burden peculiarly affecting land, but it was a grievance of which farmers especially had great reason to complain; and he believed the Central Protection Society would accomplish more good by sending their Members to support a Motion of this kind, than by bringing forward motions which had no distinct practical object. In the evidence given before the Committee which sat on this subject, he found that a farmer had been charged for a window in his dairy, on the ground that he occasionally used it as a larder. He dared say the whole extent of its use in that way was that he had occasionally put a hare or a pheasant there. Another farmer in Wales was charged 15*s.* for a fox hound, which he kept for the protection of his sheep. Another farmer was charged for a man-servant, because he occasionally employed a ploughboy to clean his boots. Another farmer was charged 12*l.* 10*s.*, the amount of a horse dealer's license, because he had sold the produce of his stock. He could assure hon. Members opposite that this Blue Book would furnish them with ample materials for making out a code of grievances affecting the occupiers of land, when the hon. Member for Wolverhampton brought forward his Motion on the Corn Laws. He believed that there was no justice in this tax. The Chancellor of the Exchequer had made a very good official speech in favour of the tax; but it was evident he saw that the tax could not continue. The handwriting was on the wall, and he believed that very soon the demand for the repeal of the tax would cause itself to be heard. He must, in conclusion, say that were it not for the excellent gentlemen who presided at Somerset-house, it would have long since proved a burden utterly intolerable to the people.

Sir *C. Napier* would not have interfered in this debate, if he did not represent a large body of constituents who were deeply interested in this question. The noble Lord who had brought forward this question had shown great industry and ability in the statement of the case, and had clearly shown that the tax was unequal—that it pressed more heavily upon the poor than upon the rich. The Chancellor of the Exchequer had reminded the noble Lord that when persons were making inquiries as to particular measures, it often happened that the persons who furnished them with the information misled them. Now the noble Lord had stated several instances of houses being shut up in consequence of the operation of this tax; and there were only two cases in which it appeared he had been mistaken; and even in these cases, it was as likely that the Chancellor of the Exchequer had been misinformed as the noble Lord. [The gallant Officer then read from a paper a statement to show the unequal pressure of the tax, from which it appeared that houses with a rent of from 35*l.* to 50*l.* a year were charged window duty about 10 per cent. on the rental, while the houses of the nobility, with rentals of from 700*l.* to 2,000*l.* a year were only charged about 2 per cent. The paper, he said, had been given him by a Commissioner, who was accustomed to make these rates; and if it was not correct, it could be contradicted.] The Chancellor of the Exchequer was quite correct in saying that all taxes were unpleasant; but the mischief of this tax was, that it pressed so severely upon the poor. Another objection to the duty was, that it was, in reality, a tax upon air and light. What was the use of a Committee upon the sanatory condition of the poor, if they were to pass an Act of Parliament excluding them from the light of heaven? The whole matter was a burlesque. Then the Chancellor of the Exchequer had made an assertion which certainly did astonish him. He said that the poor were exempt from this tax. In the country they certainly were; but in large towns, the poor must pay. They lived several families together in large houses; and, though the tax might, in the first instance, be charged upon the proprietor, yet was it not clear that he would charge the poor with a higher rent than if there were no tax? Then the right hon. Gentleman said the poor were glad to shut up every air-hole they could to exclude the cold—that in fact they preferred warmth to ventilation. If the poor did so, it was certain, according to the opinions of the ablest medical men, that that had a tendency to bring on disease. But suppose they did so for the sake of warmth in winter, still in summer they wished a little fresh air. Look at the dark holes in which their children slept, without the slightest means of ventilation; for if they made a hole large enough to let a cat in to catch a mouse they would be brought in for the window tax. Then take the case of persons when they were sick. When a rich person was unwell, he was taken to the Continent, where he could obtain not warmth merely, but air and light; but the sick among the poor had no such advantages; and, few as their privileges in this respect were, legislation made them less. In this town they seldom saw the sun, and the Chancellor of the Exchequer was doing what he could to assist the climate; for even when the sun did shine out, the poor, by the operation of this tax, were not permitted to see it.

Mr. *Edward Ellice* rose to bring before the House a practical grievance which pressed hard upon the linen weavers in Scotland. Their manufacture was generally carried on in buildings adjoining to and communicating with their own houses, and in each of these places there were from one to five looms; and as each loom required a window, they were brought within the operation of the tax. Manufactories were certainly entitled to exemption; but, as these buildings communicated with the dwelling-houses, they were brought within its operation. The weavers had tried to evade the tax by opening their shops to the public road, which certainly exempted them. But it was found that, from the dust blown into their shops from the road side, it was impossible to carry on their trade with the cleanliness which was requisite, and they had therefore been obliged to stop up the communication with the highway, and were thus again brought within the operation of the tax. He was assured, from his personal knowledge, that these were the facts of the case; and he left the case in the hands of the Chancellor of the Exchequer, satisfied that if the right hon. Gentleman would afford them relief, he would confer a great boon upon a very industrious class of persons.

Mr. *Hume* was sorry to see the House so inattentive to a subject of such great importance. It seemed to be the opinion of some parties that the noble Lord the Member for Bath (Lord Duncan) had acted injudiciously in bringing forward this question at the present moment; but he (Mr. Hume) thought, on the contrary, that this was the very best time at which it could be brought under discussion, and for this reason—the right hon. First Lord of the Treasury was now engaged in the very laudable task of revising and altering the system of taxation in this country; and as an hon. and learned Member had last night stated in his (Mr. Hume's) opinion most correctly, that the right hon. Gentleman was carrying out alterations which would conduce most materially to the welfare of the country. Taking it for granted that the present amount of taxation must be raised, the question for their consideration was, could they render that taxation in any degree less oppressive than it was at present? To the tax now under consideration very strong and well-grounded objections seemed to him to exist. It prevented the great mass of the people from earning their bread; for, by excluding them from the enjoyment of light and air, their constitutions were debilitated, and their health and strength were impaired. It was evident, from the testimony of the very able and eminent medical men examined before the Health of Towns Commission, that the unhealthy and feeble condition of the poor was principally ocpally occasioned by the want of air and light, and by their being compelled to sleep in apartments where they could only breathe a contaminated atmosphere. He thought it was most important that the Government should inquire whether these representations were or were not correct; for if the Government would undertake such an investigation they could conduct it far more satisfactorily and efficiently than any Committee of that House. If, however, the Government refused to institute that investigation, the noble Lord (Lord Duncan) was fully justified in the course he had adopted; for the only means by which any hon. Members could press the evils of existing systems on that House was by calling for inquiry. They were distinctly told by Dr. Arnott, Dr. Guy, and other men of high talent, that by their fiscal regulations they were rendering the labouring population a feeble and debilitated class. He would ask hon. Gentlemen whether, as Englishmen, they could now look with pride on the sallow countenances and attenuated forms of the artisans and labourers they encountered in large towns? He believed it was the intention of the right hon. Baronet (Sir R. Peel) to bring forward a measure carrying out the recommendations of the Health of Towns Commission; and he might take this opportunity of reminding the right hon. Gentleman that no recommendations could be more important than those which related to the necessity of light and air, as conducing to the health of the labouring classes. The window tax was, he considered, most unequal in its operation—pressing most heavily upon those who were least able to bear such a burden—and its collection was also attended with great difficulties. He regarded it as a species of property tax, but levied in the most injudicious and unequal mode; for it precluded that portion of the population whose food and clothing were not of the best description from avoiding the contaminated atmosphere in which they were compelled to live, and enjoying comparatively pure and healthy air. He (Mr. Hume) considered that if it was necessary to continue the present amount of taxation, it might be levied more equally upon capital than was done under the present system. To show the inequality now existing, he might state, that the house, No. 16 Poland-street, containing 35 windows, rental 80*l.*, paid a window duty of 16½ per cent.; while the house, No. 234 Regent-street, containing 20 windows, on a rental of 335*l.*, was only taxed at the rate of 2 per cent.; and No. 270 Regent-street, with 112 windows, and paying a rental of 180*l.*, paid a window tax of only 1½ per cent.; the house, No. 8 Cross-street, at a rental of 45*l.*, was charged with a window tax of 10*l.* 6*s.* 9*d.*, or 22½ per cent.; and if he wished to prove more clearly the inequality of this impost he might refer to the Reform Club, the Carlton Club, and other public buildings. It had been said that Parliament, some years ago, removed the house tax instead of the window tax; but the intention at that time was that both those taxes should be repealed. The late hungry Chancellor of the Exchequer, however, never had any money to spare. That right hon. Gentleman spent his money in Syria, and elsewhere, in shot and shells. He found from the assessment for the Property Tax, that the rental of houses in England amounted to 35,500,000*l.*, and in Scotland, to 3,000,000*l.*, making a total of 38,500,000*l.*; and by a tax of 5 per cent., they would be able to raise 1,950,000*l.* It might be said, however, that if this plan were adopted, many houses which were exempted from the window duty would be exposed to taxation; but they might exempt a large portion of the smaller houses—all those, he had no doubt, which were now free from the window tax, and yet raise a revenue of 1,600,000*l.* He believed, that if the right hon. Baronet imposed a tax of 10*d.* in the pound, or 4 per cent., on the rental of houses on which the Income Tax for last year was assessed, it would raise an ample sum to compensate him for relinquishing the window tax. A witness stated before the Health of Towns Commission, that,—

> "The window duties, as now assessed, operate as a premium upon defective construction. The Legislature now says to the builder, plan your houses with as few openings as possible; let every house be ill-ventilated by shutting out the light and air; and as a reward for your ingenuity you shall be subject to a less amount of taxation than your neighbours. The Board is, of course, aware that windows are now charged by a scale—the tax increasing at an average rate of about 8*s.* 3*d.* for every window, whether large or small. Hence the number of windows in a house becomes, to builders of second and third-class houses, a very serious consideration. Supposing a house to contain twelve rooms; if, to make these rooms cheerful and pleasant, I have put two windows in each room, and thereby insured a current of air passing from front to back, the window tax for that house amounts to 7*l.* 5*s.* 9*d*; but if I have put but one window to each room, the window tax is but 2*l.* 4*s.* 9*d.*, showing a difference of 5*l.* 1*s.* per annum; and I need scarcely say, that a difference of only 10*s.* per annum, is quite enough to influence builders of cheap houses in trying to save such a sum."

Light, alone, every one knew, produced most beneficial effects upon the health of a population; and, for this, amongst other reasons, he contended that it was very important that these matters should be looked into by Her Majesty's Government. These were the times of "changes;" and he thought that few more advantageous changes could be made than that which he had the honour of submitting to the House. He had, however, another claim for the remission of the window tax, and that was a solemn pledge, which, as he contended, had been given by Lord Althorp—a pledge which had been broken —not, indeed, by Lord Althorp, but by the right hon. Gentleman the late Chancellor of the Exchequer. On July 17, 1834, he (Mr. Hume) said,—

> "I hope there is no occasion to remind the noble Lord the Chancellor of the Exchequer of the pledge he gave us some time ago relative to the tax on windows. I am quite sure, that the noble Lord is desirous of rendering it as little oppressive as possible; and that if he cannot reduce its amount now, he will endeavour to do so next Session. If the noble Lord would limit the tax to its present amount, and allow every man who has paid the window rate for an entire year to continue to pay the same composition, and to open additional windows, it would be a very great relief. It is not at all uncommon in old-fashioned houses,

which contain a greater number of windows than modern buildings, to see many windows bricked up for the purpose of avoiding the tax. If the noble Lord would redeem his pledge, he would confer a very great boon upon those parties."

To that the noble Lord said, that he should be prepared to discuss the question when the Bill went into Committee; and then, on the 30th of July, Lord Althorp said,—

> "I have now to beg leave to bring up a clause which was suggested to me by the hon. Member for Oxford, enabling persons to open fresh windows in houses at present existing without any additional charge. As I apprehend there will be no objection to the clause, it will be unnecessary for me to trouble the Committee with any observations upon it. I will, therefore, only say, that it cannot occasion any loss to the Revenue; its only effect is to prevent an increase of the Revenue in the case of houses already existing."

The consequence of that pledge was, that those who had shut up their windows, understanding that there would be no increase in the duties if they opened them again, re-opened a great number of windows; and then, a few years afterwards, the right hon. Gentleman the late Chancellor of the Exchequer considered it to be his duty to re-assess all those windows. Hence arose very great and general dissatisfaction throughout the country—the windows were again shut up, and a large number of persons closed their houses in consequence. For all these reasons he believed that this was a tax which called for immediate remission; and he was sure that the House would submit to an uniform rate of taxation on house rent, if the Government would bring forward any plan for the purpose. He was sorry that he should not have an opportunity of proposing his Amendment; for if the Government refused an inquiry he should have no chance of carrying it; but he did hope that the right hon. Gentleman would give the subject his best consideration, and would see whether he could not incorporate his (Mr. Hume's) proposal with the measures which he intended to introduce for the improvement of the condition of the population.

Mr. *F. Baring* feared, after what had been said by his hon. Friend who had just sat down, that he must trouble the House with a few observations, though he had hoped that he should not have been obliged to address them. His hon. Friend had charged him with a breach of faith in not enforcing a pledge which he stated had been given by Lord Althorp. He must at once beg to deny that he had ever committed any such breach of faith. His notion of the duty of a public servant would lead him to say, that if a pledge had been given, under any circumstances, it would be his duty to redeem that pledge. He could conceive no course that could be pursued with the view of obtaining money that would be satisfactory to the country, if that money were procured by the breaking of a pledge. But he denied altogether that any pledge had been given by Lord Althorp. The hon. Gentleman had read his own speech, and then fixed Lord Althorp with it. But what was Lord Althorp's reply to the hon. Gentleman? Why, he said,—

> "I perfectly recollect having stated that I would bring the subject before the House; but I do not recollect saying, and I am pretty sure that I did not say, that I should concur in the proposition."

[Mr. *Hume:* That was on the 17th of July; read what he said on the 30th.] He had not got his Lordship's observations upon the 30th in his hand; but he knew that his noble Friend did bring in a clause, which clause was worded as it now stood. The hon. Gentleman seemed to imagine that his noble Friend had been deceived by the officers of the Customs; but he could assure the hon. Gentleman that no one was less likely to be deceived than his noble Friend; and that he was perfectly aware of the construction put upon the clause. The hon. Gentleman stated that that construction was never put upon it till a hungry Chancellor of the Exchequer who wanted money, for the first time did so, and applied the clause in a manner different from what it had been acted upon before. That, however, was not the case. That clause had always been construed in the same way, and acted upon in the same way. What was the construction given to the clause by the hon. Gentleman? By the old law there was a power of composition. His noble Friend put an end to composition; but in compensation he introduced a clause by which those who had paid their duties fairly might open fresh windows without additional tax. It was those only who had not been fairly assessed before who were not entitled to this privilege—persons who having twenty windows returned only fifteen, and paid only for fifteen. But the hon. Gentleman seemed to contend, if the parties had opened an additional window, and had then twenty-one instead of twenty, that they were to be quite sacred, and that no law could touch them. If they had not opened a new window they would be subject to be recharged; and it never could be contended that by such opening they should be screened from being called upon to pay their just quota. His noble Friend never had such an intention; and when he (Mr. Baring) issued his instruction for a new survey, he believed that his noble Friend never had had the intention which the hon. Gentleman had constantly imputed to him; and he believed that his noble Friend was right in saying that he had never given the pledge to which the hon. Gentleman had alluded. In 1840, when he (Mr. Baring) issued those instructions, he thought that he was fully justified in doing so, in consequence of information which he had received, that a very large number of persons had not made fair returns of the windows in their houses; and he contended that he did right in seeing that those persons—whole streets of them—who were evading the tax, paid their fair and proper shares, before he called upon others, as he was obliged to do, to pay an additional amount. That he believed to be a just principle; and he then ordered a general and a new survey to be made. His hon. Friend was wrong in supposing that those surveys had not been going on. It was the habit to survey at different times different parts of the country. He had ordered surveys to be made through the whole country at once. This was all that was new, but as regarded the construction given to the clause, no alteration was made. He was anxious to show his hon. Friend, also, in what manner that survey had been undertaken, and the spirit which pervaded his instructions. His noble Friend (Lord Duncan), who had brought his case very fairly before the House, had moved for those instructions. For those instructions he was answerable; they had been issued in his time, and he believed that he had seen them at the time of their issue. The House would observe that those instructions were dated in May, 1840, and that in the first place the surveyor was cautioned not to charge those persons who had enjoyed any privilege of exemption under the 7th Section of the Act—the clause in question. Those instructions were of a confidential nature, and had not been prepared with the view of being brought before the House; but, to show the spirit in which they were framed, he would just read one line, which was as follows:—

> "The Board relies upon your discrimination in not making any charges which may reasonably be considered by the public in the light of vexatious taxation."

With regard, then, to the breach of faith, he would say, if the pledge had been given by any public officer, that he should have acted upon it; but knowing and believing that it never had been given, he did not feel that he was called upon to sacrifice his own opinion and belief, and to take the hon. Gentleman's construction of what Lord Althorp had said. With reference to the grievances of the tax, he knew perfectly well that there was not a tax that could be mentioned against which a list of grievances could not be made out. It was very difficult indeed to answer particular cases of grievance. It was, in fact, impossible for those not in the Government to know the details or to answer them. But he must be permitted to warn the House against trusting every case of grievance that was brought before it. He never knew the case of a grievance which was not remarkably good until the other side was heard; and he believed that many cases which had been mentioned that evening as great grievances, would bear a very different aspect if the other side were known. The tax now under discussion was a direct tax; he must say that he was greatly surprised when he heard so much said of the advantages of direct over indirect taxation; and when he considered, in addition, how productive a source of taxation this was, that his hon. Friend should be one of the first to get up and oppose it. Let them look at the house tax. His hon. Friend has suggested a house tax as an equivalent in lieu of the window tax. He did not know whether his hon. Friend had ever made a speech on the grievances of the house tax; but he remembered that a great many grievances were stated when the question of the house tax was discussed in that House. The house tax was on the rental, and it was always argued that the rental was an unfair mode of assessment. The hon. Gentleman, whatever he had done before, however, now said, "Take the rental; tax that; nothing can be fairer;" and he said, "I'll go as low as you please, down even to the man who pays but 1*l.* per annum for his cottage." Why, when the house tax was in force, it was found that some of the largest houses in England contributed scarcely a fraction towards the house tax. Knowle House was a notable instance of this sort. It was charged at a rental, he believed, of 50*l.* a-year; and that was in fact proved to be a high charge. It was too perfectly notorious that the inn of a country town paid more than the country seats of the neighbouring gentry. He was not contending that that was not fair; but he did say, that such cases produced an effect upon the public mind; and he dared to say that his hon. Friend would not be amongst the last to regard them. The house tax, at any rate, was considered at that time so unfair, a tax that it was taken off in preference to the window duty. He did not say that the window tax was a fairer tax than the house tax; but he did say, that it was one which made the rich contribute more to the Exchequer in proportion than the house tax did; and his impression was, that if the House re-imposed the house tax, and remitted the window tax, they would impose one which would make the poor contribute more in proportion than they did at present. With regard to the particular question before the House—viz., the appointment of a Select Committee, he looked upon it as his noble Friend seemed to have done when he gave the Notice of his Motion—which was for the repeal of the window tax. That was no doubt the practical effect of this Motion —that was what was aimed at, and to that his (Mr. Baring's) answer was, that he was not prepared to assist them, in the present state of the Revenue, in getting rid of that tax; and if they appointed a Committee merely for the sake of inquiry, they would be only raising expectations in the public mind which were not likely to be carried out. He was far from saying that it was not a fair subject for the consideration of the Government; and if the Government should be enabled to alter the tax by combining a modification of the old house and window tax, he believed that some of the disadvantages and grievances at present complained of might perhaps be got over, but this proposition had been more than once considered, and was very difficult to carry into practical effect. Under these circumstances, he could not support the Motion.

Mr. *Wakley* asked whether they were to understand the tax was to be given up? On that subject the most extraordinary silence prevailed on both sides of the House—a silence which appeared perfectly inexplicable. Was the tax abandoned? The Chancellor of the Exchequer had made the lamest defence of it that it was possible for any man to make. Two speeches had been made on the Ministerial side—one strongly in favour of it; and upon the other side there had been five speeches, four of which were strongly against it, whilst the ex-Chancellor as strongly supported the tax. Ex-Chancellors usually spoke in the same way as Chancellors. It appeared to be their invariable rule—"If you will support me when I am in, I will support you when I am out." The window tax was universally condemned. Everybody admitted it to be assessed most unequally, and that the poorer portions of society who paid to it paid much heavier, in proportion to the rents of their houses, than the richer. It was also admitted to be injurious to health, opposed to comfort, and pregnant with nothing but mischief; yet the Chancellor of the Exchequer told the House it was not to be given up, and that there was no hope of its relinquishment. If the proposition of the noble Lord had been to get rid of the tax at once, he could not have voted for it, because, the Budget of the right hon. Baronet and his financial statement having been affirmed by the House, it would be preposterous and most unjust to vote for its immediate repeal. And if all the evils of the tax were admitted by Her Majesty's Government, there was no necessity for the Committee. The hon. Member for Montrose had asked whether, if Ministers held out no prospect that it should be repealed, they would consent to take the matter into serious consideration. He did not know what Government was disposed to do; but, having observed the silence on that side of the House, there appeared to him no hope that it could be sustained by reason or argument; and he was inclined to believe that the right hon. Gentleman the First Lord of the Treasury was prepared to abandon it in another year, and that its remission would be included in one of those great schemes of relief. In a few years there would be a general election; and, whether the Government took up the matter in the mean time, he entreated the electors to do so. An Anti-Window-Tax League should be formed. Its remission, he knew, would not be made willingly by Chancellors of the Exchequer; but if the electors took the question into their hands, it would be settled at the next election, because it was a tax upon property, which he assured the Government they did not like. It was an unjust tax, and its operation was unequal. In every way it was injurious. No tax was more injurious to health and comfort. Darkness was the parent of crime, vice, filth, and pestilential disease. By shutting out the light from the people, you absolutely deprived them of the means of ventilation. Only yesterday, in his own parish of Marylebone, in his official capacity, he had to go into a very curious place, which he entered by a high staircase, into which no window whatever opened; then a room-door was opened, and there was plenty of light in the room, but a human being lay upon the floor denuded of any covering. There was neither a chair nor a table in the room, nor any article of furniture worth sixpence, the body having no covering upon it of any kind: it was that of an unfortunate woman, 78 years of age, who had died in this wretched condition. Her husband, he understood, was once the captain of a man-of-war. In these dark abodes, what was going on upon one floor of the habitation was entirely unknown to the persons who inhabited another; they were as much strangers to each other as if they lived twenty or thirty miles apart. But he ventured to say, if that and every House were lighted and ventilated as they ought to be, it was next to impossible that such scenes as this could occur. He trusted, therefore, that upon the other side there would be no attempt to sustain this tax by argument. If there was a division, he should divide with the noble Lord; but if Her Majesty's Government would allow the House to infer from their silence that they were not opposed in sentiment to the remission of the tax, he sincerely hoped the noble Lord would not divide.

Sir *R. Peel* said: I consider, Sir, it is the duty of every Government, before coming down to this House to propose the remission or alteration of any particular tax, to take a general view of the bearing of the whole system of taxation, and upon that to submit to the House those measures which it appears to them that the circumstances of the country require. That is the course we have pursued during the present year, and we have every reason to believe that that course has been satisfactory to the people. We did not come down to this House to propose the scheme of finance which I had the honour to submit, without revising the window tax most carefully—we did not do so without revising all the other taxes—and we determined, on the whole, that, under the present circumstances of the country, the remissions we proposed would confer the greatest advantage on the community. But it is quite consistent in us to take the course which we have done, and also to admit that there are other taxes, the nature and operation of which are objectionable and injurious. And if the noble Lord the Member for Bath should succeed in his Motion, and if another hon. Member should come forward, cheered by his success and say, "I will state such circumstances to the House as will justify me in moving the repeal of the soap tax," I have no doubt he would be able to show that tax to be a grievous evil; and then some other hon. Gentleman would find another impost equally injurious, and the removal of which is equally desirable. I have no doubt, in all these cases, and in many more, hon. Members might by their arguments and statements make a very great impression upon the House. And then an hon. Member gets up and says, is this tax to be remitted—what means this silence on the part of the Government—will they give us an intimation that our silence may be inferred as signifying our intention to give up the window tax? Why, exactly that course might—and I have very little doubt would—be pursued in respect to the other taxes against which a case should be made out. I say again, what I have frequently said before in this House, that I do not think it is consistent with the duty of the Government of this country to give any specific pledge as to what taxes are to be repealed—or are likely to be repealed—until the proper time arrives at which they can actually be taken off. It is the duty of the First Lord of the Treasury, and of the Chancellor of the Exchequer, to propose a reduction of no tax whatever but under the circumstances I have previously named; and then to make their proposal at once to the House to carry it into effect without any delay whatever that can properly be avoided. But it would be a most unjust and improper course on our part to allow a year before the proper time any inference to be drawn as to the remission of a tax, in order to escape from the inconveniences of a Committee. Now, I must be permitted to say to those who have introduced and supported this Motion for a Committee, that I am not defending any portion of the window tax. I am only contending that, under the circumstances of the country, it would be most inexpedient and unwarrantable in me to give any pledges as to our future intentions. And, let me tell you, you are making the remission of taxation a much more difficult task by asking the Government for those pledges you now seek. Now I will just say one word as to the proposition before the House. I must say the proposition of the hon. Member for Montrose, bad as it is, is better than that of the noble Lord the Member for Bath, for he goes at once to excite the hope of a certain reduction of taxation to the amount of 1,700,000*l.* [Lord *Duncan:* No; I ask for a Committee to inquire into the feasibility of such reduction.] Which Committee would only end in disappointment. I do not believe a Committee of the House of Commons is a good tribunal for the purpose of suggesting the means of relieving the community from any particular burden it may desire relief from. Well, but the hon. Member for Montrose contends that a substitute for the window tax might be advantageously found in a general house tax. Now, recollect, we have relieved incomes of 150*l.* a year from the operation of the Property and Income Tax, and he now proposes to apply a new tax to the very parties that this House thought —and most properly thought—should be as lightly taxed as possible. And what is the amount of this new tax that the hon. Gentleman suggests should be levied? Not 7*d.* in the pound, the amount of our income levy (all incomes under 150*l.* being exempted); but 10*d.*, yes 10*d.* in the pound. And this is his substitute for the window tax. Now, from a Return I hold in my hand, and which was moved by the hon. Gentleman (Mr. Hume), I find the amount of the annual value of houses assessed to the Property and Income Tax in 1842—the total value of house property in Great Britain, is 38,500,000*l.*; and he says, impose on this a tax of 10*d.* in the pound, and there is at once for you the sum of 1,900,000*l.*, and a substitute for the window tax. But now this tax is to extend to every income. It is to visit every house in every town—every house rented at 2*l.* a year—it is to visit every farm-house; yes, and not a few of your cottages too. It is to visit all manufactories, all shops, and all those many houses now exempt from window duty. Now, think of the House of Commons doing this just after passing the Property and Income Tax Bill, which, with maledictory words from some, and valedictory words from others—only left our House this very week for the other House. Returning, however, to the question of the window tax, I am perfectly willing to admit to the noble Lord (Lord Duncan) that there are many inequalities in its operation; but where will you find a tax without inequalities? Now, do not let me deceive the noble Lord in what I am about to say. In order to induce him not to proceed to a division, I am not going to delude him by holding out any false expectations; but this far I will go —I will assure him that this tax shall, along with other taxes, when the opportunity again arrives for the consideration of our financial schemes—I say, I will assure him that when the time for undergoing the usual revision shall have come, this tax shall have a full, a fair, and a frank consideration from us. But, I repeat, I cannot, and will not, a year before the proper time, give him any positive assurance of a remission of it. I will not do so with any tax. I am willing to do so far as I have stated, in order to induce the noble Lord to avoid the necessity of a division, and also to mark my opinion of the ability which he undoubtedly displayed in laying his case before the House. The noble Lord introduced his Motion with very great fairness, and with considerable ability. I wish him a better fate than to have to sit on a Committee which can do no good; but while I give him an assurance of this tax having, at the proper season, the fullest and fairest consideration from us, I will give no specific pledge of conduct in order to induce him not to take the sense of the House on his Motion.

Mr. *Hawes* observed, that the Chancellor of the Exchequer said that an inquiry would lead to no practical results, but would only raise unfounded expectations, and on that ground he refused the Committee. Now, would the right hon. Gentleman permit him to recall to his recollection instances in which Committees of inquiry had been granted, and which had been followed by great practical results? The longest ago to which he would refer was the Committee upon the timber duties, and that led to alterations of the tax. He remembered, also, the Committee on the tea duties, which led to a modification of the tax. The Committee upon the import duties likewise led to modifications. He did not hesitate to say that the window tax was one into which the House might inquire, and that the Government might derive great advantage from such an inquiry. He could refer to Committees which had led not to a repeal of taxes, but to an improved mode of levying and collecting them. He did not know that the suggestion of his hon. Friend the Member for Montrose, relative to a commutation of the window tax into a house tax, free from the evils of the old house tax, was impracticable. The fault of the old house tax was that a house was rated at its value in the market, and of course it was impossible that the country houses referred to should have a rated value in the market; but that injustice was not inseparable from a tax of that description. If the Motion had been for an immediate repeal of the tax he would have voted against it, but he should vote in favour of inquiry.

Colonel *Sibthorp* said, that however anxious he was to vote for the remission of any tax, he did not think that in this case a Committee was desirable, as it would only tend to excite false hopes. If a proper duty could be laid by the square yard upon those enormous plate glass windows which were used only for show, and a proportionate relief given to the poor occupiers of small houses, he thought that would be the best way in which the inequalities of the tax could be remedied.

Mr. *T. Duncombe* hoped that his noble Friend was about to divide—and on the ground upon which the question was put by Her Majesty's Ministers—namely, that the Motion was tantamount to a repeal of the window tax. It was upon that account he regretted that his noble Friend had changed his former Motion for a repeal of the tax into a Motion for an inquiry. His constituents wanted no inquiry on the subject. They had had sufficient experience of the tax already, and their wish, as expressed to him was, that it should be repealed as soon as possible; and, therefore, when he heard that this Motion was tantamount to a Motion for a repeal of the tax, it was an additional reason with him to vote for it.

Mr. *Williams* knew no tax more objectionable than a tax upon light and air. There was no tax which interfered so much with the comforts and the health of the inhabitants of towns especially as the window tax. It operated most oppressively, and if a Committee were granted for inquiry into its operation, he had no doubt that cases would be made out which would induce the House to make material changes. For instance, his constituents suffered extraordinary hardships from the tax. It was imposed upon houses and buildings generally—those houses, however, which were used for manufactures being exempt from it; whereas if a manufacture were carried on in the same building which was used for a dwelling-house, all the windows in the dwelling-house as well as in the manufactory were charged. It happened that his constituents carried on an extensive trade in weaving. They required a great deal of light, and the upper part of the house was devoted to their manufacture. The consequence was, that they were liable for every window in the house. This was a great hardship and injustice, and if an inquiry were granted, he was sure the Government would be inclined to consent to the removal of such a grievance.

Lord *Duncan* said, in consequence of the eagerness of the House to come to the New Zealand debate, he would only trespass upon its attention with a few words. The right hon. Baronet opposite had said he preferred the Motion of the hon. Member for Montrose to his. He would only say that he (Lord Duncan) had humbly endeavoured to imitate the example of the right hon. Baronet when he sat at that side of the House: he would agree to nothing, but objected to everything. He was glad this discussion had taken place, as he thought it would do much good. As to his Motion necessarily leading to a repeal of the window tax, that was not the case; because there had been Committees upon the timber duties, tobacco, tea, and the import duties, none of which had been repealed in consequence. He could not follow the advice of the right hon. Baronet, but must take the sense of the House upon the Motion.

The House then divided:—Ayes 47; Noes 93; Majority 46.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Bannerman, A.
Barnard, E. G.
Berkeley, hon. H. F.
Blewitt, R. J.
Bouverie, H. E. P.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Buller, C.
Busfeild, W.
Butler, hon. Col.
Cobden, R.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
D'Eyncourt, rt. hn. C.
Duncan, G.
Duncombe, T.
Ewart, W.
Forster, M.
Hawes, B.
Hindley, C.
Horsman, E.
Hume, J.
Hutt, W.
Mangles, R. D.
Marsland, H.
Mitchell, T. A.
Morris, D.
Napier, Sir C.
Paget, Col.
Pattison, J.
Plumridge, Capt.
Pulsford, R.
Rous, hon. Capt.
Sheil, rt. hon. R. L.
Stewart, P. M.
Strutt, E.
Tancred, H. W.
Thornely, T.
Villiers, hon. C.
Wakley, T.
Williams, W.
Yorke, H. R.

TELLERS.

Duncan, Visct.
Pechell, Capt.

List of the NOES.

Acland, T. D.
Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Baird, W.
Baldwin, B.
Baring, rt. hon. F. T.
Baring, rt. hn. W. B.
Barrington, Visct.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowes, J.
Bowles, Adm.
Bramston, T. W.
Bruce, C. L. C.
Bruges, W. H. L.
Burrell, Sir C. M.
Cardwell, E.
Carnegie, hon. Capt.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Coote, Sir C. H.
Copeland, Ald.
Cripps, W.
Darby, G.
Deedes, W.
Denison, E. B.
Dickinson, F. H.
East, J. B.
Eastnor, Visct.
Escott, B.
Fitzroy, hon. H.
Forbes, W.
Foreman, T. S.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hon. W. E
Gordon, hon. Capt
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Greene, T.
Grimsditch, T.
Hamilton, W. J.
Harcourt, G. G.
Hepburn, Sir T. B.
Hinde, J H.
Hope, hon. C.
Hope, G. W.
Hussey, T.
Ingestre, Visct.
Jermyn, Earl
Jocelyn, Visct.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lowther, Sir J. H.
Mackinnon, W. A.
McNeill, D.
Mahon, Visct.
Manners, Lord C. S.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Milnes, R. M.
Neville, R.
Nicholl, rt. hon. J.
O'Brien, A. S.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Praed, W. T.
Pringle, A.
Round, J.
Russell, Lord J.
Shaw, rt. hn. F.
Sheppard, T.
Smith, rt. hon. T. B. C.
Smollett, A.
Somerset, Lord G.
Somes, J.
Spooner, R.
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Thesiger, Sir F.
Tomline, G.
Trevor, hon. G. R.
Wyndham, Col. C.

TELLERS.

Young, J.
Baring, H.

NEW ZEALAND COMPANY — LORD STANLEY.] Mr. *G. W. Hope* then said, that he believed it was fully understood in the course of the discussion the other night, that the general question respecting New Zealand and the affairs of the Company, should be left untouched until after the recess. He therefore, proposed to himself on the present occasion, to abstain entirely from entering upon it; and he hoped other Gentlemen would follow his example, and reserve the discussion of the question, to a future opportunity, of the state and condition of the Colony, and the measures which had been adopted in reference to it. He would make no apology for trespassing on the present occasion upon the attention of the House, as he thought it his duty to give the explanations which he now proposed to give relative to the personal charges as regarded the noble Lord at the head of the Colonial Department, and under whom he had the honour to act. And in giving these explanations he was most anxious to begin the discussion, because he believed that on the occasion on which he had recently addressed the House upon the subject of New Zealand, he had certainly addressed the House with some feeling and warmth; nor was it at all extraordinary that he had done so, understanding at that time, as he did, that a charge of a personal character was made against the honour and conduct of the noble Lord the Secretary of State for the Colonies. On the present occasion, feeling convinced, as he did, that the explanations which he was about to give would satisfy the House, not even excepting the hon. Member for Cockermouth (Mr. Aglionby), of the impossibility of any deception having been practised by the noble Lord, he was led to the determination to avoid every irritating topic, and to confine himself strictly to his explanations, trusting, as the noble Lord the Member for London said, that they would be able to approach the discussion of the general question unembarrassed with personal questions, and with the disagreeable misunderstanding which was almost certain to attend them. He would now come to the charge made against the noble Lord (Lord Stanley), and he thought he stated it fairly when he stated it thus. It was urged that the noble Lord, having come to an arrangement with the New Zealand Company, in May,* 1843, and having undertaken to give instructions to the Governor of New Zealand in accordance with that arrangement, had, in fact, given instructions inconsistent with the arrangement, and had produced one set of instructions to the Company, and had given another, an inconsistent, a different, and a secret set of instructions to the Governor of the Colony. That, he believed, was the charge preferred against the noble Lord; and he was certain of being able to show to the House that the statement was founded in error. He really believed that it was in error the statement had been made. He must now, he was afraid, assume on the part of the House, a knowledge of many of the facts of the case. Were he to undertake to explain all the circumstances connected with the subject, he would be led, perhaps, into that very discussion which, for the present, he deprecated, and was anxious to avoid. At all events, he would be led into a lengthened statement of very numerous and very complicated facts. He felt that, as in the explanation to which he intended to confine himself, he would be compelled to have such frequent reference to the correspondence, and as there was so much confusion in the transactions therein recorded, he would labour under considerable difficulty, without going at length, and in detail, into the subject; and therefore it was that he must assume some knowledge respecting the matter on the part of the House. There were two questions which arose between the parties in this case, and which originated with the noble Lord the Member for London (Lord John Russell), then at the head of the Colonial Department. The first was with reference to the titles to land on the part of the Government within a certain district, claimed to be purchased from the natives, being the districts on the two sides of Cook's Straits, between the two principal islands of the group; the second regarded the discretion placed in the then Governor to go without these districts, and in exchange for lands in them to form settlements in other parts of the island. The House would be pleased to keep these two points in recollection. The principal personal communication on this subject, originated with the hon. Gentleman the Member for Liskeard (Mr. C. Buller), and the noble Lord at the head of that Department to which he (Mr. G. W. Hope) belonged. He would therefore come at once to that which they had in writing upon the subject; and in doing so, he would first apply himself to the letter which was referred to the other night, the letter of the 8th of May. He readily admitted that that letter had been written, after consultation with, and after having been in anxious consultation with the noble Lord (Lord Stanley.) The letter referred to certain proposals for the purchase of land by the Company, at the capital of the island. The letter in which those proposals were embodied, after making the proposal to which he had just referred, then proceeded to request the appointment of a Judge with independent jurisdiction for the Colony, and the appointment of a resident agent, and then proceeded with the paragraph, the very important one, which related to the means to be adopted for effectually settling the question of the Company's titles to the lands within the districts within which they had claimed to have purchased. He would now draw the attention of the House to what were the terms of the instructions proposed to be sent to the Governor of the Colony. In reference to these points:—

> "For the purpose of effectually settling the question of the Company's title, and of quieting the minds of the purchasers, they suggest that your Lordship should forthwith direct his Excellency to make to the Company a conditional grant of the lands selected by their agents; the Company obtaining within the districts so selected, the whole title which the Crown may have the power to grant; and having the option, in the event of prior claims being set up, of either excluding from the selected land such portions as may appear to be subject to such prior claims, and in that case receiving a corresponding number of acres in lieu; or of including such portions, subject to the prior title, but obtaining from the Crown, in respect of them, the exclusive right of pre-emption enjoyed by the Crown, the Governor and Council being instructed, as soon as practicable, to establish some general rule for defining native titles, and settling the claims to land, and to do their best to aid the agents of the Company in effecting the necessary

arrangements with the navties, either for the purchase of lands belonging to them, but unimproved, or for making on the part of the Company equitable compensation for the original value of land which may have been occupied by themselves or their settlers, without sufficient title, but on which they may have effected improvements."

The House would perceive that the arrangement proposed was, that a conditional title should be granted in case it was asked for, and spots to be selected; giving over in these spots whatever rights the Crown had to give. As regarded the natives in all other parts, compensation was to be given, the Crown giving its assistance in making bargains with them and in giving compensation. In reference to this he had not the slightest difficulty in saying, that the noble Lord assented at once to these proposals. The proposals were precisely similar to what the noble Lord himself was willing to make long before the hon. Member for Liskeard on a former occasion had commented upon the distinction which he was supposed to draw between an agreement and a promise—a distinction whereby he was supposed to hold that a promise need not be kept, but that an agreement should. Whether the reply might be construed into a promise or agreement, if any distinction really existed between them, the reply of the noble Lord, or rather the reply sent by him (Mr. G. W. Hope), under the directions of the noble Lord, was, that he had assented " to these proposals; and further, that he will be prepared to issue to the Governor of New Zealand instructions to the effect proposed in your letter, for effectually settling the question of the Company's title to land in that Colony." The remainder of the letter assented to the other two points suggested—the appointment of a judge with independent jurisdiction, and the appointment of a resident agent at Auckland for the purposes of carrying out the terms of the agreement. Both these appointments were afterwards made. The next correspondence which took place was the letter of the 19th of May: in consequence of the decease of Governor Hobson, the government was then in the hands of a temporary administrator. By the letter of the date just mentioned, he was directed to take steps, with reference to the purchase by the Company of land at Auckland; but he was directed to take no steps with reference to the subsequent heads of the arrangement, it being stated to him that the remaining questions were to be reserved for the newly-appointed Governor. He had no instructions on any subject but the first. The noble Lord was to grant a conditional title to land selected by the Company's agents, and directions were to be given to the officers in the Colony to do what they could to facilitate compensation to the natives. The terms of the compensation were, that there was to be a credit established of 50,000*l.*, and that that credit of 50,000*l.* should be paid for by the exchange of so many acres of land. The land was to be taken from the Company by the Government, at 1*l.* per acre. He would have a further opportunity of explaining this matter more fully. The arrangement, therefore, referred to the three points already adverted to, and only to them. On the 15th of June, 1843, that was some time after these letters had been written, a letter was sent to Lord Stanley, from Captain Fitzroy, containing five questions. Three of these referred to the arrangements to which he had already directed the attention of the House; the remaining two referred to a separate and independent arrangement. The letter stated that "doubts were expressed with regard to your Lordship's arrangement." He might as well say that the doubts there referred to were not doubts in reference to the arrangements lately made, but with reference, and mainly so, to the anticipated and incomplete arrangement. The questions put to the noble Lord by Captain Fitzroy were to solve his own doubts. With reference to these matters he said in the letter referred to—

> " My views of the existing arrangements are chiefly, that out of a certain extent of land in New Zealand, said to have been purchased by the New Zealand Company, the Government will confirm their title to as many acres as they have expended crowns in purchase and emigration, &c., provided that they prove the validity of their purchases."

Now the question involved in the paragraph he had just read, which was the first of the letters, referred exclusively to the arrangement made; and in stating his own view of the effect of the arrangement, Captain Fitzroy undoubtedly committed an error in adding the words "provided they proved the validity of their purchase." In answering Captain Fitzroy, he was referred to the correspondence which had already taken place on the subject; and whatever doubt there might be was to be construed in the sense most favourable to the Company after a careful and thorough reference to the correspondence. He would now trouble the House with a short extract from the reply of Lord Stanley to the letter of Captain Fitzroy. It was dated the 26th of June, 1843; and, after recapitulating the various points on which Captain Fitzroy had stated his views, and what he (Lord Stanley) supposed those views were, the despatch goes on to say:—

> "On the first point I have to refer you to the correspondence with the New Zealand Company, enclosed in my despatch to the acting Governor of New Zealand of the 19th ult., No. 35. You will there perceive that Her Majesty's Government have conceded to the Company, as regards the district included in the original agreement, that with a view to facilitate the adjustment of their titles the local Government of New Zealand should be directed to make to the Company's agents a conditional grant of the lands selected by them on the terms definitely stated in that correspondence; the principle of that concession being to allow to the Company a *primâ facie* title to such lands, under the condition that the validity of their purchases shall not be successfully impugned by other parties. Subject to this qualification, I concur in the view taken by you on this point."

But let the House observe to what that applied. It applied to Captain Fitzroy's incorrect construction of the correspondence—by which he conceived that the validity of the Company's title to the lands was to be proved as a preliminary matter. He was told that he was wrong in that respect; and he was instructed to refer to the correspondence as his guide, and his only guide. He need not dwell further on this part of the subject. The Governor stated his doubts, upon which he was told to take his instructions and the correspondence as his guide. On the single point on which he had stated anything inconsistent with his instructions, he was expressly corrected, and referred back to the correspondence, as he had already stated, as his sole and only guide. The second question was, whether the Government was not bound to assist the Company in making good their claim. On that no discussion could arise. That was a question included in the correspondence which had been referred to, and in which the Governor had been referred to the correspondence as his guide. The despatch further proceeded to say:—

> "On the second point, I have certainly no difficulty in authorising you to assist the Company in making good their claims so far as may be consistent with a regard to the interests of other parties and of the community at large, on which point also I must refer you to the correspondence already referred to."

The third and fifth points in the letter of Captain Fitzroy were connected together, and he would pass from them for the moment, and take the fourth, which was,

> "That the Company are to have 50,000*l.* of Government land, at and about Auckland, in exchange for 50,000 acres of land, to which it is assumed, they can prove a valid title, elsewhere."

It was said, as he had before referred to, that an exchange was to be made between the Company and the Government. On that point they found that Captain Fitzroy was again referred to the correspondence. On the three points, therefore, concerning the correspondence, the correspondence, and that alone, was referred to as his guide. He had said that the instructions given to the Governor were given in accordance with the correspondence, and the noble Lord thought it impossible to give such more completely than by simply referring the Governor to the correspondence. He would now come to the third and fifth points, and he would explain to the House in what way they arose. In doing so, he must refer to unwritten and verbal communications in the first instance, which he would afterwards confirm by written documents. Captain Fitzroy, and the agent of the Company, and the Land and Emigration Commissioners, had been and were, at the time of this correspondence, in communication with reference to permission to be given to found a Colony elsewhere. The hon. Member for Liskeard admitted that to be the case. That proposition was not reduced to any definite shape, or submitted to the noble Lord for his approval. Captain Fitzroy was about to sail for New Zealand. The question turned upon the original instructions issued by the noble Lord the Member for London, giving power to take land in exchange out of the districts claimed by the Company. On this question, Captain Fitzroy requested to be put in possession of the views of the noble Lord. They would see in a moment how the third and fifth points were joined together. The question in the third point was as to finding the Company land for another settlement, out of the district in which the Company claimed. The fifth was, as to whether the Crown was indebted to the Company, and bound to make them compensation. If the Crown was indebted in so many acres of land, there could be no question as to who was to find them the land. If the Crown was indebted to the Company for its expenditure, it would behove the Crown to make compensation. Captain Fitzroy being about to sail, he had written his letters to the Colonial Office, and had received the answer to them of the 26th of June; but a day or two before the day on which he left London, for he finally sailed on the 29th. It would be seen, by reference to the answer, that the third question was not raised in the correspondence at all. The answer on the third point was—

> "On the third point, I would refer you to Lord John Russell's instructions to Captain Hobson of the 22nd of April, 1841."

And on the fifth—

> "I quite concur with you, that there is no reason for saying that the Government is indebted to the Company for any given quantity of land, or that any specified quantity of land is due to them from the Government (unless under direct purchases from itself), or that the Government is bound to make compensation to the Company for its expenditure."

The Government was not under any obligation to find the Company, out of their original jurisdiction, a specified amount of land. The letter of instructions, which, it was complained, had not been communicated to the Company, could not be so communicated, because it referred to an incomplete transaction. That transaction was not included in the correspondence before referred to. He was able, as he said before, to confirm all the circumstances connected with it by reference to a document which he had in his possession —he meant a letter written by the hon. Member for Guildford. The point to which he wished to draw the attention of the House was, that the transaction to which the letter of instruction referred was an incomplete transaction, in regard to which opinions had been given in anticipation and in confidence. He would state, before reading the letter of the hon. Member for Guildford, after the draft of the letter to Captain Fitzroy was prepared, that the noble Lord did receive a proposal on the very subject from Mr. Somes, dated the 23rd of June. The letter to Captain Fitzroy was prepared, not on any definite proposal. He mentioned so much about this letter, in order to show the House how impossible it was that the instructions given in that letter could have been then communicated to the Company. The letter of the hon. Member for Guildford was dated the 6th of July, and was received at a time which precluded any answer being returned to it before the departure of Captain Fitzroy. There were particular reasons why no answer was immediately returned to it; and before an answer was returned the letter was withdrawn. The letter stated that a proposal for a new settlement had been sent to the Colonial Office. It was drafted and prepared by the directors whilst in communication with the land and emigration commissioners and Captain Fitzroy. Owing, however, to the turn which the discussion had taken, it was not intended to send it, and it would oblige the Company if the Colonial Department would allow them to withdraw their letter of the 23rd of June. These are the words of the letter written by the hon. Member for Guildford,—

> "I told you last evening, I think, when speaking of our new Colony, that I had just received a note from Mr. Elliot, urging us to submit our intended letter explaining our intentions respecting Auckland, as the answer to that already submitted with regard to the new Colony was waiting for the other communication, and could not be much longer delayed. I find, on coming here to-day, that it was through a misapprehension of our Secretary that a proposal for a new settlement was sent to your office at all. It was a draught prepared and approved conditionally by our Directors whilst we were in actual communication with the Land and Emigration Commissioners and Captain Fitzroy; but, owing to the turn which our discussion took, was not intended to be sent. We shall to-day send a letter to the Land and Emigration Commissioners, embracing both subjects, written at the suggestion of Mr. Buller, after seeing Lord Stanley; and we shall be much obliged if your Department will allow us to withdraw our letter of the 22nd of June."

Captain Fitzroy had asked for instructions in confidence; and an answer had been given in confidence; and it was clear from the withdrawal of the proposal after it had been received, that the noble Lord was strictly correct in making it confidential, as it could not with propriety be communicated to the Company. It was asked why were not the other paragraphs communicated? They made but a simple reference to the correspondence — they were complete in themselves. To expect that such correspondence as that should be communicated was rather singular, as the communication of it was wholly unnecessary and uncalled for. As regarded those points in which the correspondence had been followed, communication was unnecessary; and as regarded the other points, it would have been improper. He trusted that he had shown that the instructions given to the Governor of the Colony had been in strict accordance with the arrangement made with the Company, as might be seen from a reference to the correspondence. He now came to a statement which was of a most important character—the statement that one set of instructions had been given to Captain Fitzroy, and that another set had been shown to the Company. The only instruction communicated contained the following passage:—

> "Although I have thought it best to communicate to you this correspondence entire, it is not necessary that you should adopt measures with reference to any, except the first point to which I have adverted. The remaining questions will be reserved for the newly-appointed Governor, who will shortly proceed to the Colony; but I should wish you in the meantime to afford every facility to the agent of the Company for giving immediate effect to the arrangement which has been entered into for the acquisition of them by land in Auckland and its vicinity."

The fact was, no other instructions ever were given — no instructions were ever shown to the Company at all. The charge was really a most important one. It was a simple contradiction on his part to deny the existence of any other instructions; but none other did exist. The instructions were never asked for till January by the Company, when they wrote and asked if his Lordship would communicate the instructions to them. Fault had been found that the correspondence, or copies of it, which had been sent to New Zealand had not been marked "confidential." The reason was, that it had ceased to be confidential, and it was forwarded for the purpose (as we understood) of publication in the newspapers. As to the letter to Captain Fitzroy, which it was stated had not been shown to the Company, he had already proved to the House that it referred to an incomplete transaction; and he submitted that the New Zealand Company was not justified in charging Lord Stanley with any breach of faith. He had endeavoured to avoid all irritating topics; and now, before he concluded, he must remind the members of the New Zealand Company, that when the correspondence was first commmunicated to them, that their impression, their first impression, was not, with regard to the noble Lord's conduct, what they afterwards adopted, when misunderstandings arose between them and his noble Friend, as would appear conclusively by the following extract of a letter from Mr. Somes:—

> "We should have failed in our duty to the public, as well as to your Lordship, had we not laid the truth fully before you; and, having done so, we leave the matter entirely in your Lordship's hands, with entire reliance"—[I beg the attention of the House to these words]—"We leave the matter entirely in your Lordship's hands, with entire reliance in the benevolence and justice which will influence your decision on the fate of the Company and its settlements."

Now, this letter, expressing such entire reliance on the good faith and justice of his noble Friend, is dated the 29th of February, one month after they had had the copies of the Correspondence already referred to from my noble Friend—the correspondence itself having taken place a year ago; and the question is now brought forward as one affecting the character and good faith of the noble Lord. He now trusted that he had avoided all topics likely to produce irritation, and he hoped that what he had said would induce Gentlemen opposite to withdraw the charges made against the noble Lord. Such charges were now made against the noble Lord for the first time in his life; for, let his noble Friend's faults or failings be what they may, until now, no man had ever charged him with duplicity. He concluded by moving that an humble Address be presented to Her Majesty, that there might be laid on the Table of the House Copies of Correspondence between the Colonial Office and the New Zealand Company.

Upon the Question being put,

Mr. *C. Buller* said, the House, in justice to him, would perhaps believe that it was with feelings of the greatest pain he rose to answer the defence of the noble Lord that had been made by the hon. Gentleman who had just sat down. It had been far from his wish that any personal attack should have been made on the character of the noble Lord. The complaints of Members of Parliament respecting the conduct of public men could not be regarded in that light. He was, however, whatever pain the occasion might cause him, compelled to pursue the subject, in justice to the New Zealand Company, and from the regard which he had to his own character and standing in that House. Before he proceeded, he must observe that great pain had, unintentionally on his part, been caused to the friends of Captain Fitzroy by some remarks which had fallen from him, with reference to that gentleman, on a former evening. He said, unintentionally, for it was far from his design to inflict any pain upon that gentleman, or his friends and connexions, by any remarks on his part; and therefore he took that opportunity of saying, that he was extremely sorry such had been the case, and sincerely apologised for having done so. He was not standing there for the purpose of asking the opinion of the House, or to use any strong language, or to call for a vote of censure on the conduct of the noble Lord at the head of the Colonial Department; but he was there to defend certain statements that had been made by the New Zealand Company, who complained that substantial wrong had been done to them, with respect to those matters to which the hon. Gentleman had adverted. The statement of the New Zealand Company had now been before the public for a whole year. It was not to be supposed that they now came forward for the first time to prejudice public opinion, nor to endeavour to cast personal obloquy on the noble Lord. The charge had been made public by the New Zealand Company a year ago. It had been made when the noble Lord, the head of the Colonial Department, was a Member of that House, and when he might have brought it before that House. The noble Lord could have brought it before the Committee. The noble Lord had thought proper to send his answer—a formal answer to that statement. The Committee was never asked to give in a decision upon the point; and he thought the Committee had acted very wisely in avoiding to mix themselves up with what was a personal question. He only adverted to this to show that they had stated the charge publicly long since;' and that charge they were ready to abide by. It had certainly been brought forward with some heat of language on a late occasion; but then it had been elicited by the tone of remark adopted by the right hon. Gentleman opposite, in commenting upon a letter from the New Zealand Company, which the right hon. Gentleman had endeavoured to use in such a manner as to turn it against the statement put forward by the New Zealand Company. The whole matter had thus been brought forward. It was so on account of the use that had been attempted to be made of the New Zealand Company writing the letter that had been so commented upon. It was not the fault, then, of the Company this matter coming forward before that House. At the same time he must say, that he was exceedingly glad that the hon. Gentleman had brought it forward, because it would be most unpleasant that a personal question should be mixed up with a very important public question. He should be exceedingly glad if the decision of that evening would enable them to clear the public question of all bitter, acrimonious, and personal feelings. He felt, with the hon. Gentleman the Under Secretary of State for the Colonial Department, placed in a situation of very great difficulty, without the specific proofs of the minutiæ of the charges that were made. Supposing him, then, to be the only person in the House who was conversant with the details of this subject, he determined, for the purpose of having the advantage of the whole of the original statement before them, to close with moving for copies of all the Correspondence that had taken place between Lord Stanley and the present Governor of New Zealand. The complaint which he had to make on the present occasion was this—that in the transactions to which the hon. Gentleman adverted, the New Zealand Company had suffered substantial wrong. He did not mean—he did not intend to take advantage of any slip in conduct to cast dirt upon any public functionary—that he did not come there to do; but he came to prefer a complaint that a substantial wrong had been done by the irregularity in the noble Lord's conduct, and he thought he could show the House that he had grounds so to complain. It would be necessary for him in doing this to call the attention of the House to the agreement of the 12th of May, 1843, and to point out the difference between that and the agreement for which it had been substituted—the agreement made with the noble Lord the Member for the City of London. He would not then enter into the question of the original disputes between the New Zealand Company and Lord Stanley. It was only necessary to state that the point in dispute between Lord John Russell's agreement with the New Zealand Company, and Lord Stanley's agreement with the New Zealand Company, was one of which the latter complained. The larger complaint was, as to the violation of Lord John Russell's agreement; upon that question the opinion of the House would be asked when bringing forward the main question. For the present, it was only necessary to state that the subject matter of the agreement between Lord John Russell and the New Zealand Company was placed on this footing: that the Company, having acquired a title to lands in New Zealand by purchase from the natives, prior to the assertion of Her Majesty's authority in New Zealand, that when the Government came to assert its authority, it was necessary that a settlement should be made as to those lands. There never was any dispute as to the principle on which they were to be settled. It was agreed that the amount was to be in proportion to the expenditure in the Colony—that the terms were to be the same as regarded them as they were with other Colonists. The difference that first arose between them and Lord Stanley was this:—They imagined, that by their agreement with Lord John Russell, the only one thing they had to inquire into was before an accountant as to the money that had been expended by the Company. They imagined that when they had done that the Government would make them a grant of lands. The difference between Lord Stanley and the Company was this: that when they came with the award of Mr. Pennington, Lord Stanley contended that the agreement was not as they had supposed—that they had a prior thing to do—that was, to show the validity of the purchases of lands they had made from the inhabitants—that a court had been established to inquire into the validity of the purchases—and that there they would be required to prove their validity. That was denied by the New Zealand Company; and he said that if they looked to the documents they would find that Lord John Russell's Government engaged to give them lands on their proving what they had expended. He stated the grounds of dispute, but he did not ask them then to go into the inquiry. He pointed to those facts for the purpose of showing what had been going on. Whilst these things were occurring, great mischief was done to the Company and to others: their operations were suspended; their disputes with the Government involved them in great trouble; they brought discredit upon them, prevented the sale of lands; and far greater disasters than were entailed upon themselves, happened to the Colonists; and all this because it was not thought proper to settle the claims of the Company on the ground on which they had originally been based. They ought to recollect that 14,000 persons were then in New Zealand—that the Company had taken out 10,000 of them—that their sole title depended upon the faith placed in the Company — that on the recognizing of their title depended the whole security of these 10,000 persons. It was not then upon mere personal grounds they complained: the whole weight and responsibility rested on this—he repeated it, on the execution or non-execution of the agreement made by the New Zealand Company with Lord John Russell. The disputes went on, and matters were becoming worse in the Colony. He was bound, however, to say, that Lord Stanley made one or two offers, which the Company did not accept. It seemed to them that they had no other alternative but to bring the matter before Parliament, until the death of Mr. Hobson, the Governor of New Zealand, occurred. Then it was supposed that as a new Governor was about to be sent out, a new arrangement might be made. On these grounds, they then thought of proceeding. A negotiation was commenced. It began in private interviews. They wished something to be done, in order that a settlement might be made. The Government desired them to take land at Auckland. The Company objected to that; but as it appeared to be the only chance of getting better terms from the Government than they were willing otherwise to concede, they at length assented to it. The New Zealand Company then proposed—and the suggestion, he admitted, came from them—to accept the proposal of the Government, and to colonise in the neighbourhood of Auckland. They agreed to the proposal of the noble Lord, which they had before rejected; and, instead of a positive, they consented to take a conditional title, and doing so, they asked for the assistance of the noble Lord in the extinction of native claims as against them. The conversations that took place between the Company and Lord Stanley, and the notes that passed, at length ended in a formal manner. On the 8th of May, a letter was transmitted by Mr. Somes to Lord Stanley. That letter contained the proposal of the New Zealand Company. The House must not understand that the letter was one simply emanating from the Company; but it was, as the hon. Gentleman had candidly stated, a document emanating from both parties, the matter of which had been corrected, and was at last reduced to writing according to the understanding of both parties. Now, whatever difference might arise as to a mode of expression, he must still persist in calling that "an agreement;" and if hon. Gentlemen would look to page 97, they would find Mr. Hope, in his letter dated 7th August, 1843, and also in a second letter, referring to the letter, as the "agreement" of May last. He called it, therefore, an "agreement." He stated it to be so distinctly, and they would find it so treated in other documents. There were the two letters, the first of the 8th and the second of the 12th May, constituting that first as an agreement. On the 8th May, the New Zealand Company sent that letter, and on the 12th came the answer of the hon. Gentleman opposite. And he must say that when he looked at that note, and when he compared it with the large blue book before them, that if the rest of the correspondence had been dictated by the same spirit in which that letter had been written, there would have been no necessity for that blue book. The proposal had been accepted in a handsome spirit, and if the proposal had been carried out in that spirit, the Company would have had no matter for complaint. What he complained of was this—that from that hour to the present the spirit of that letter had been deviated from. It was hard to explain to a large assembly—it was hard to explain to any one, what was the deviation that had taken place, or how it was that it happened at different times. He thought it right to say, that the letter of the 12th May, and the letter of Captain Fitzroy, were actuated by a totally different spirit. Everything depended upon the spirit in which a Government acted. It was not bound by the same rules as others. Everything depended upon the spirit of a Government in a transaction like this. The Company believed—they confided in the spirit that animated the letter of the 12th of May; they relied upon that. It was a sufficient matter of complaint for them to find, that in subsequent letters that spirit was changed, and that the agreement, for the carrying out of which they trusted to the Government, was, when it came to be put in execution, carried out in a spirit wholly inconsistent with that, which first seemed to actuate them. He was not going to confine himself to the objection as to the spirit in which the letters were written. There was one fact, which the hon. Gentleman had not clearly stated, but with regard to which he did not think the hon. Gentleman would differ from him. In the agreement concluded on the 12th May, these words were used:—

> "Lord Stanley directs me to state his assent to these proposals, and to intimate farther, that he will be prepared to issue to the Governor of New Zealand, instructions to the effect proposed in your letter, for effectually settling the question of the Company's title to land in that Colony,"

Now, he was anxious to know what these instructions were. He went to the hon. Gentleman, he thought early in June; the hon. Gentleman showed him the letter of the 19th May; it was to be found in page 92. He would not read a word of it; but the substance was, that the letter inclosed what he must call the agreement, and that was given as the instructions to the Governor of New Zealand. He did not complain on the present occasion of his not having been shown the letter that was sent as instructions to Captain Fitzroy. They were not told of them until subsequently. It was only on the 1st February in the year following, that the Colonial Office sent them the letter of June 26—the letter that was sent as instructions to the Governor of New Zealand as to this agreement. This was a very painful matter to intrude upon the attention of the House; but as the occasion was presented for doing so, he could not avoid it. The first objection that he made was as to the land of Auckland. The New Zealand Company regarded it as a distinct violation of the letter of the agreement. The New Zealand Company considered, by obtaining land in the neighbourhood of Auckland, they should have 50,000 acres, and that they should not be troubled as to the title; because they did not pretend to have purchased land there, but to have purchased it in the neighbourhood of Wellington. The language of the agreement was entirely in accordance with that view. They said, that they had purchased 50,000 acres of land in one place, and credit was to be given for 50,000 acres in another, in consideration of the New Zealand Company abandoning the whole claim to those other 50,000 acres. They were to "abandon," not to "establish" their claim. They were to abandon no specific 50,000 acres, but they were to abandon them out of their whole quantity. There never was any dispute as to the quantity of land to which they were entitled. There never was any dispute as to that, and, therefore, the terms of the agreement fully bore out their meaning. Let it be supposed that their claim was, by the award of Mr. Pennington, to be a million of acres, then they were to have 950,000 acres, and only 50,000 acres in the neighbourhood of Auckland. They were to give up their claim to 50,000 acres out of the million, and to get 50,000 acres in the neighbourhood of Auckland. The Company was bound by the proposal made to the Government; and then they had Lord Stanley saying that it would be for the general interest of the Colony, as well as of the Company, if they were allowed to select land in the nearest vicinity to Auckland. Instead of being allowed to select land in the southern district, where they only had a right to land, they were to be allowed to select it in the neighbourhood of Auckland, where there could be no question they had no right of themselves, but on which a claim was given them by Government. That claim had been effectually set aside by Lord Stanley and Captain Fitzroy. The agreement said they were to have a valid claim elsewhere. There could be no doubt as to what the question referred, and as little doubt as to the answer of Lord Stanley. The noble Lord said the claim was to be admitted "so far as it could be satisfactorily proved." He charged that as a distinct protection of the agreement. They were entitled to a quantity of land in the south: they abandoned that claim on condition that they were to get 50,000 acres in Auckland. They were entrapped into an agreement, and then it was sought to turn them into the Commissioners' Court, to prove their title to lands which they had never claimed. It was of great importance to the Company that the Government should interfere in this matter, and put an end to disputes with the natives. As long as the natives in New Zealand knew that the Company was in disfavour with the Government, it induced them to rise in their demands. The feeling of the Company was that the Government would undertake to make the arrangement with the natives, and to settle, as they could do, their claims for a reasonable sum; but when they asked the Government to do its best, to aid the Company to make the necessary arrangements with the natives—to have the Government act for them as for itself—it refused. He had read the answer of Lord Stanley—it was frank, cordial, and unreserved. But it seemed that on the 15th of June, the Governor began to have doubts as to Lord Stanley's arrangements. He (Mr. Buller) did not know who had expressed these doubts. Captain Fitzroy, who had constant communications with the Company, had never to them expressed any doubt on the subject. The consequence of these doubts however, was, that one said these claims were to be aided so far "as it could be done with propriety," and then it was also siad that it was to be done so far as was "consistent with the interests of parties and of the community at large." Did not, he asked, these qualifications nullify the promise that had been made? Would the Company have asked the Government to aid them, as far as it could be done with propriety? And was it to be supposed that they would be satisfied if the Government told them that they would do so so far as regarded the interests of the rest of the community? [Mr. *Hope:* The correspondence was referred to at the same time.] Yes; but it was with that qualification—a qualification such as was given when a person meant to say he did not intend to do what he was asked. Lord Stanley justified his refusal; but in point of good faith it could not be so justified. The spirit of the answer was in total violation of the agreement that had been made. He now came to the third point, and the most important one of the complaint he had to make against the conduct of the Colonial Office—that with regard to the conditional title to the land; and upon this point Captain Fitzroy writes in terms which showed that he had totally misconceived the intention of the noble Lord, and had not understood the point of difference between Lord Stanley's second agreement with the Company, and the original agreement of Lord J. Russell; and that he supposed he was going out to

New Zealand to carry into effect the instructions of Lord J. Russell (as they were understood in the Colonial Office), and not those he had received from Lord Stanley. It appeared that he understood the Government was to confirm the title of the Company to as many acres as they had expended crowns, provided they proved the validity of their purchase from the natives. That was all that had ever been asked of the Company; and it was clear that the new Governor did not understand the second arrangement, but supposed he was, in respect to the title of the land, sent precisely on the old agreement. Now, it was extremely hard upon the New Zealand Company, that being obliged to trust to the honour of the Government officer, and of his views of the instructions under which he was to act in carrying out the agreement entered into between them and the Government, that they had not been in time informed of this most fatal misconception on the part of the Government officer; and if the Government concurred in his view, they should have stated that they had discovered some ambiguity in the original agreement of such a nature as to lead to a total misconception of the arrangement, and had done their best to correct it. That was the course which a Colonial Secretary, anxious for the good of the Colony, and actuated by a desire to fulfil in a spirit of fairness the arrangements which had been entered into between him and other parties who had trusted him. That was the course he might have been expected to take; and his language to the Governor should have been clear and explicit. He should have said to him, You have totally and altogether misunderstood the arrangement you were called upon to execute. He would, of course, have said so in the civil est manner possible; but he should have told him distinctly, You have totally mistaken the object and intention of the second agreement for what is our view of the old agreement, and I must set you right. He granted that the noble Lord had set Captain Fitzroy right substantially; but he had done so in so obscure and unsatisfactory a manner that to that circumstance only was it owing that the arrangement had not been acted on. Now, what was the course the noble Lord took in order to set Captain Fitzroy right? He first referred him to that original correspondence which he must have seen at least fifty times before, and had totally and altogether misunderstood, and said, "You will then perceive that the Government have conceded to the Company, as regards the districts included in the original grant, the fullest adjustment of the title—the principle of concession being to give the Company a *primâ facie* title to the land." He admitted this was perfectly clear—nothing could be more so; but the following words, as it appeared to him, made all the difference: "under the condition they were not liable to prove the validity of the claim in the first instance." Was not this, in effect, to raise again the whole question? There was a doubt on this part of the instructions. In giving these instructions, it should not have been forgotten that the Colonial Office was dealing with a man who had shown that he was capable of misunderstanding to a great extent. He had misunderstood in the first instance, and therefore those subsequent instructions of the noble Lord should have been perfectly clear and unambiguous; and what he here complained of, was, that without communicating with the Company, who were the other parties to the agreement, the noble Lord had replied to the communication of Captain Fitzroy in a manner that still left the point of difference in doubt. Could anything be more calculated than the words the noble Lord added to make this unhappy Governor, who was already officially confined, perfectly bewildered. He tells him that he is totally wrong in the interpretation he had put on the agreement, and then how does he proceed to set him right? By adding: "That, subject to this qualification, I confirm the view taken by by you on this point." Subject to this qualification, Lord Stanley stated, that he perfectly agreed with Captain Fitzroy. Why, the qualification was the whole matter. The noble Lord, acting as the Minister of the Crown, and being influenced by a desire to carry out, in its true spirit, the arrangement into which he had entered, and to avoid all further misconception in the matter, should have said to Captain Fitzroy: "You are wholly wrong in the view you take of the arrangement, and I will now tell you what is right." But what the noble Lord said was in effect this: "Subject to the qualification of the right view, I concur in your wrong view." If the noble Lord had consulted the New Zealand Company as to the answer he was about to send in explanation of the intentions of the agreement, they would have said: "If the Governor now misunderstands the arrangements entered into, your letter will but further confuse him. Make the matter clear to him at once, and prevent all further question and difficulty." But did the Company complain of this without practical consequences having resulted? or did they complain of it as a mere breach of form, on the part of the Colonial Office, in their dealings with the New Zealand Company—a breach of those ordinary observances of good faith, not of substance, but of those ordinary observances between the several parties to an agreement, by which no alteration is made, even in matters of form, without the previous consent and knowledge of the other? On the contrary, the practical effect of the course which the noble Lord had taken was, that the conditional title to the land which the Company were to have had immediately on Captain Fitzroy's arrival, had not yet been granted; and the second agreement of the noble Lord, the present Colonial Secretary, had been to this hour as perfect waste paper as the first agreement of Lord J. Russell. The hon. Gentleman the Under Colonial Secretary had said, that there was to be in the first place a selection of the land, and until that was made, the Government could not grant the conditional title. Now, what he had understood was, that under the arrangement entered into by the noble Lord, the Company were to be—and those Gentlemen in the House who were connected with the legal profession would at once understand and see the great importance of this point—that they were to be put in the position of defendants in a Court of Law in respect to the title, to be ousted only on proof shown, by those who might dispute it, that they had no right to the possession; and not that they should be placed in the position of plaintiffs to go into the Court of Commismissioners to prove their case. He contended that, by the terms of the agreement, the Government were bound to give the New Zealand Company a conditional title in the first place, leaving those who objected to it to prove their case against the Company. That was the sense of the agreement. The Company were forthwith to have been put in possession of the conditional grant, and be at once placed in the condition of defendants in respect to the title, leaving those who claimed against them to prove their claims as plaintiffs. But instead of this, the Government have, by withholding the conditional title, left them to sue as plaintiffs in the Commissioners' Court. And this was not all. The Government were to aid the Company in effecting their purchases from the natives. He would not speak of the transactions at Wellington, where the Governor did attempt—and he gave him full credit for his intentions—to aid them in effecting some purchases from the natives, but which was of little avail, as he had never given them the conditional title, which was to be their safeguard, but had left them to prove their title before the Court of Commissioners. But in Wellington, it was true, Captain Fitzroy attempted to make purchases of land from the natives; and anything more weak than his proceedings in this respect he could not well conceive; and the results of his interference might be gathered from the fact that the Company had not got possession of the land at this very hour. Then Captain Fitzroy went on to Nelson, and there he leaves the agent of the Company no alternative but to pursue the negotiations for the land which they had already purchased. And this was the man who was to have given the Company the conditional title without delay! In another settlement they were still worse off. The Commission made the inquiry, and awarded the land; and then came the Governor, who set aside the award, and refused to give the title to the land. He contended, then, that Captain Fitzroy had not fulfilled the intentions of the Government to give the Company a conditional title forthwith; and the effect of this breach of agreement on his part had been, to keep the Company out of their property nine months. And this injustice, and the consequent injury to the colonists, had arisen from the noble Secretary for the Colonies not having sufficiently corrected the Governor's gross, complete, and entire error, and total misapprehension of the whole tenor and object of the most important part of the noble Lord's letter of instructions. The fourth point of his complaint was the last to which he would direct the attention of the House. As he had said, it had been always assumed in the disputes, that the difference in respect to the claims of the New Zealand Company was not as to the quantity of the land, but as to the locality. The Government had always said, You are no doubt entitled to a certain quantity of land to be determined by award, and we would give it to you if we had it; but as you cannot prove the extinction of the native title, we cannot give it to you in the district in which you claim it. Now, they were most anxious upon this point; and the noble Lord had admitted, as was shown in the Blue Book, their right to the grant to the extent awarded. And the feeling was, that as soon as the Government got the land they would respect the Company's title. Nothing else could be understood from the Government instructions until the private instructions were given. They considered that their claim would override every other, and that as soon as the Crown got the title, it would give it to the Company; and they felt if Captain Fitzroy went out with this understanding, it was as much to the interest of the Crown as it was to that of the Company that the matter should be settled—they felt that he would be in earnest to make the agreement with the natives, and that no difficulty would result. The Governor said—and he was confirmed by the noble Lord,—

> "That the Company may take land without the districts now claimed by them in exchange for an equal quantity of land claimed by them within those districts, provided that their purchase be satisfactorily proved. That the Company are to have 50,000*l.* worth of Government land at and about Auckland, in exchange for 50,000 acres of land, to which it is assumed that they can prove a valid claim elsewhere. And," said the noble Lord, "I fully concur with you that there is no reason for saying that the Government is indebted to the Company so many acres of land, or that so many acres of land are due to the Company from the Government; or that the Government is bound to make compensation to the Company for its expenditure."

Now what he said was, that the difficulty arose from the old arrangement for the first time having been departed from, after it had been claimed by the Company, and never denied by the Colonial Office. It had been admitted over and over again, and there was no doubt as to the extent of the land to which the Company were entitled; and it was not fair, without notice to the Company in their private instruction to the Governor, that the agreement should be encumbered with this new difficulty. And was this a mere barren breach of compact, or was it one that had been productive of serious evil and inconvenience? What the Company complained of was, that when the Governor made the agreement of the 10th May, the Company wished to feel confident that Captain Fitzroy would go out to fulfil its spirit; and that sailing in June, and arriving in New Zealand in December, his first act would be—that was, his first act in reference to the Company—to set at rest all these questions as to the title to the land, and that in June they would have had a conditional title from Government that would have secured to them not only a *bonâ fide* possession, but a title they could maintain in the courts of the Colony and of England. The Company looked to have this in June; but what was the fact? In consequence of the interpretation which had been put on the agreement, Captain Fitzroy had been nine months in the Colony, and had not yet executed this simplest stipulation to which the good faith of the Government was pledged. It was in this that, to repeat the word used the other night, the Company had been deceived. They had made an arrangement, expecting it would be executed in one sense, when it had been executed in another. And that they had been so deceived, whose fault was it? Was it their own fault, or that of Lord Stanley? Could it be said that the Company had not taken due precautions? The agreement was made so clear that no Gentleman who had pledged himself to one view or the other could have any doubt as to its meaning. The difficulty had arisen from a breach of faith on the part of the Government in one of the most common rules of ordinary dealing between man and man in all civilised countries; viz., that when an agreement was made between two parties, to be executed by a third, neither of the two parties should offer to that third person any gloss, or comment, or addition, as to the mode in which he should execute his instructions in carrying the agreement into effect; and the opinion of the Company that the agreement had been sent out without gloss or comment, was strengthened by the communication of the letter of the 19th of May. It was said that Captain Fitzroy was a Government officer, and they had a right to communicate with him. He said, the fact of his being a Government officer made the matter worse, because when the Company confided so much in the honour of the Government as to leave the agreement to be carried out by their officer, they should be doubly scrupulous not to use their influence with him to alter the terms of the agreement in its execution. He had now shown what he thought a substantial deviation from the letter and spirit of the first agreement, in the sense in which it was made. It would be said, perhaps, that the instructions given were not of such great importance; but, important or not, it would be admitted, he thought, that it was the duty of one party altering the terms of an agreement to communicate the terms of such alteration to the other. But it was evident that the Colonial Office did not think the alteration of no importance, or why was it put in writing? why were not the instructions given orally to Captain Fitzroy? In not communicating that alteration, the noble Lord had rendered himself liable to the charge of having violated those observances which should be adhered to between contracting parties, and had most seriously impaired the spirit and the efficacy of the agreement. Nine months ago the question should have been settled and put at rest; but not only had the instructions for that purpose not been executed, but every act Captain Fitzroy had performed since the noble Lord's explanatory letter had been under the original misapprehension, and in contradiction to the spirit of the agreement. He trusted he had so far adapted himself to the temper of the House, and to that of the hon. Gentleman the Under Secretary for the Colonies, as to have stated these matters without either exaggeration or anger. He had found it to be his duty, partly in his own defence, as having agreed to the Report of the Directors of the New Zealand Company, to attempt to make out that the charge which they had brought forward had not been made without ground; but he did feel, moreover, that they had been unhandsomely treated in the matter, and he thought that he had proved to the House that there was a sufficient degree of irregularity in the transaction, and that it had led to consequences sufficiently mischievous, to make it natural that there should have been grave suspicions entertained and loud complaints uttered on one part. He would not affect to disregard his own position on this occasion; he would not affect to say, that he was so devoid of unselfish feeling that he should not be mortified if it should be proved that they had been making charges without foundation. But he did say, that he would much rather have it believed, and proved, that they had been intemperate in their suspicions, than that a Secretary of State had acted in such a manner as would make it appear that he had forgotten his duty to them and to himself. The hon. Gentleman concluded by moving,—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of the Correspondence relating to the Manakon New Zealand Company."

Adding that the right hon. Baronet at the head of the Government had expressed his willingness to give every information on the subject, and he therefore trusted that the full Correspondence would be produced.

Mr. *G. W. Hope* thought that the House would not expect the production of those Despatches which had passed between the Colonial Office and the Governor of New Zealand, at and from the beginning of February. He could not consent to the production of Papers of such recent date. It would not be fair to Captain Fitzroy were they to be made public; and he trusted that the Motion would be modified in compliance with these views. He apprehended that the object of the hon. Member in proposing his Motion, he having gone at length into the entire case, was to enable him to make what further statements he might think necessary. Now, in the first place, he regretted that the hon. Member had not followed the course which he had himself adopted, and confined himself strictly to the subject before the House. The hon. Member had thought it necessary to refer to the original arrangement and consequent proceedings of Government, and to cast reflections upon the course pursued by the noble Lord at the head of the Colonial Office, as having evinced a disregard for the interests of a large body of Her Majesty's subjects inhabiting New Zealand. Now, the hon. Member ought to have stated that which he had not stated—namely, the difficulties which stood in Lord Stanley's way, and why it was that he had refused to grant what would avail as a title to the lands claimed by the New Zealand Company. He regretted that the hon. Member had only stated the question by halves. After mentioning what he had mentioned, on one hand, he ought to have stated, on the other, that the difficulties which stood in Lord Stanley's way were the claims of third parties—the natives and aboriginal inhabitants of New Zealand. The House should recollect what the circumstances were of the settlement of New Zealand, and should bear in mind what the condition of these parties was at the time when Lord Stanley undertook his administration. New Zealand was settled contrary to the wishes and intentions of Government. The Company in 1839 sent out an agent to purchase lands, and, concurrently with this, sent out a large body of settlers to take possession of them. In consequence of that expedition, Lord Normanby sent a Consul out to treat for the sovereignty of the island, giving him at the same time instructions that when he obtained it he should recognise no title acquired by Europeans, and that he should guarantee to the natives the possession of their lands.

The Consul in due time obtained a cession of the island, and concluded a treaty with the natives, in which it was stipulated that Her Majesty should and did guarantee to the chiefs and tribes of New Zealand full and exclusive possession of their lands, estates, forests, fisheries, and other properties they possessed, so long as they wished to keep them. The Treaty then proceeded to reserve to Her Majesty the right of pre-emption of lands belonging to the natives in case of parties being disposed to sell. Now the difficulty experienced by Lord Stanley was this—he could not grant to the New Zealand Company a complete title to the lands, without consideration of the claims of the native inhabitants, whose rights were guaranteed by Treaty, and upon that difficulty turned the delay in granting the title to the lands. It was not his intention to argue this part of the question further; and he only alluded to it because the hon. Member for Liskeard had only taken up the case from the time when the difficulty commenced to be felt, but omitted any mention of its origin. He now came to other points. The hon. Gentleman had dwelt at great length upon what he (Mr. Hope) had not previously known had been made a ground of complaint against the Government—namely, that the land which was to be taken in exchange for the 50,000 acres, was expected to be land to which the Company had a title. Now he thought that it had been understood—in giving a credit of money to the extent of 50,000*l.*—he thought that it had been understood that a value was to be given in return; that it was not to be a mere waste paper claim but that the Government were to receive something in return. The hon. Member, in reference to this matter, adopted a different interpretation to that put on it by Government, which, he contended, was the fair and natural one. He never, indeed, thought of the point being raised, until it had actually been urged by the Company. There was another point on which the hon. Member had also dwelt at some length. He said that he had gone to see the instructions issued by the Colonial Office; that they had been shown to him, but that some portions had been suppressed. The fact was, that there were certain questions to be reserved for the consideration of the new Governor who was shortly to proceed to the Colony. The acting Governor could not entertain them at all; nothing could be done on the subject until his successor had arrived. As to any instructions which had been kept back, the reason for adopting that course of proceeding was that they alluded to circumstances then in the course of occurrence; that the communications were of the nature of private communications, and, therefore, could not properly be made public. Now, the hon. Gentleman complained of the reservation of the rights of third parties. He wished to know whether or not they were not bound, in carrying out their policy, to do so with that fairness which only a due regard for the rights of all parties could constitute? But, then, the hon. Member mentioned an important part of the instructions, in which the officer for whose benefit they were issued, was referred to the correspondence. He was told to do all he could, and referred with respect to difficult points to the correspondence which had already taken place. He now came to a point more satisfactory to himself than any he had yet glanced at. He had heard with pleasure that the hon. Member did not now charge them with trying to deceive the Company, but contented himself with alleging that the instructions were issued in such a manner as to be liable to be mistaken; that they had been so mistaken by Captain Fitzroy, but that every effort had been made to correct the misapprehension. Now at first it had been stated that after Captain Fitzroy had fallen into this misapprehension, not only had no efforts been made to remove it, but that means had been taken to strengthen in his mind the erroneous impression. Perhaps the hon. Gentleman had not meant, when he spoke the other night upon the subject, to imply this; but such was the way in which his observations had been taken up by the House and the country. Now, it was admitted that although the instructions had not perhaps been stated very clearly, yet they were in substance in accordance with the original arrangement. But the hon. Gentleman stated that there were subsequently certain modifications made in them, which threw doubt upon certain particulars; but he did not pretend to say that in these modifications Lord Stanley had not referred to the construction of the arrangement as originally intended. The hon. Member had not maintained that these modifications were not issued with an honest desire to correct the erroneous impressions into which the officers of the Government might have fallen. But, said the hon. Gentleman, why had the original grant not been made? He could only state that, so far as his information went, he did not find that any demand had been made by the agent of the Company of Captain Fitzroy, which had been refused by him. As to the manner in which the instructions issued had been carried out, they had only the report of their own officer, it was true; but whatever observation had been made or might be made upon Captain Fitzroy, his honour and truth were perfectly undoubted, and implicitly to be relied on. He wrote, then, that on the 29th of January a conference had been held with Colonel Wakefield, and that it was his pleasing duty to inform them that the result was quite satisfactory, and the prospect of the adjustment of the Company's claims was fairly opened by the agent agreeing to make a reasonable payment for the land. The hon. Member charged the Colonial Office, in having directed its officer to assist the agent in making compensation to the natives, with not having instructed him to make it fairly and honestly. But here they had the officer writing that he had assisted the agent, and had done so satisfactorily to both parties. That was the very point in dispute. It was said that our officer, in consequence of instructions from us, would not lend the necessary assistance; yet here they had it in evidence that no demand had been made upon him which he had refused, and that no difference in the Colony had arisen in consequence of the instructions committed to him to carry out. It did seem to him that a more complete answer to the charges of the hon. Member could not be given. He contended that there was no intention, or the least manifestation of an intention, upon the part of the Government to deceive. To errors of judgment and differences in the construction of articles they were all liable; but the question was, had the Government wished or attempted to mislead the Company. Now, in what way had their instructions been given? They had been given with reference to the correspondence itself. Then a doubt arose. Had that doubt been solved in a manner unfavourable to the Company? On the contrary, it had been corrected in a sense favourable to the Company. The real question was the alleged intention to deceive. Now, according to the admission of the hon. Member, there had not only existed no such intention, but on the contrary the existence had been proved of a desire to correct as far as possible Captain Fitzroy's misapprehension, and in showing that such had been the case, he thought he had made it clear that there was no ground for stating that his noble Friend had been guilty of any dereliction of duty, much less anything like breach of faith. The hon. Member concluded by moving as an Amendment, to leave out from the word "of" to the end of the Question, in order to add the words "or extracts from all the Correspondence between Lord Stanley and the Governor of New Zealand."

Mr. *Rice Trevor* rose merely to acknowledge that the hon. Member for Liskeard had frankly stated his regret for having applied to Captain Fitzroy the expression which he had used with respect to that gentleman, during the discussion upon the subject which took place the other night. A communication to that effect had been made to a mutual friend immediately after the debate. He was happy, on the part of his friend Captain Fitzroy, to have this opportunity of acknowledging the hon. Gentleman's courtesy; and he thought that he might congratulate both the hon. Gentleman and the House upon the improved tone in which this discussion was now carried on.

Mr. *Sheil:* Nothing has been said in relation to Captain Fitzroy in this debate tending to affect his reputation. He appears to me, after perusing the Papers laid on the Table of the House, to be a most appropriate representative of the Colonial Office. It has been justly observed, that my hon. Friend the Member for Liskeard, has said nothing of Lord Stanley's intentions—of his intentions the noble Lord has the best, and almost the only cognizance; but it must be remembered that with good intentions a consummate unfitness for Government may be combined. This case lies within a very narrow compass. The first document to which I shall call the attention of the House is an extract from a letter of Lord John Russell, dated May 20, 1841. He says,—

> "The Company are entitled to receive 531,929 acres of land at present, and they are hereafter entitled to receive 400,000 or 500,000 acres more."

The House will observe that, in this letter, it is distinctly stated that the Company had a title to a certain quantity of land. That title to a certain quantity of land being admitted, the Chairman of the New Zealand Company, addressed a letter to Lord Stanley, of the 8th of May, 1843, making certain proposals to Lord Stanley, and among the rest, proposing

> "That credit be given to the Company for 50,000 acres of land, in consideration of their abandoning their claims to 50,000 acres out of the quantity to which they were already entitled."

Lord Stanley, in reply, agreed to the proposal by a letter of May the 12th. This was a complete and perfect agreement; not an *assumpsit* as it was called a few evenings since, when practice exceedingly sharp was defended by pleading excessively special. On the 15th of June, 1843, Captain Fitzroy, the Governor of New Zealand, who was to carry the agreement of both parties into effect, writes to Lord Stanley, and says that doubts had been raised regarding the meaning of the contract. Was it not Lord Stanley's obvious duty to communicate those doubts to the Company, and to construe the contract in their presence, and with their cognizance? There were two parties to the agreement, which Captain Fitzroy was to carry into effect on behalf of both. Why should one of the parties not inform the other of the interpretation to be put on the contract, and on which the agent of both was to act? But Lord Stanley, not contented with not consulting the Company, gives an interpretation of his own, and then attaches the word "confidential" to his instructions. Confidential! That is a word of great significance and potency. It comes to this—that a clandestine, a surreptitious interpretation was put on a public contract entered into by the Government and the New Zealand Company, of which the New Zealand Company were not apprised. Is this fair, and open, and upright dealing? Had not the Company a right to know what Lord Stanley was about, and the construction he had put upon the compact? For several months the Company were kept in the dark regarding these secret instructions, and when at length they were conjectured to have existence, and called for by the Company, what course does Lord Stanley take? He sends a copy of the instructions, and erases the word "confidential." This erasure is most remarkable. The word was originally written on the copy sent to the Company, as I am informed by the hon. Member for Cockermouth; but it was erased with a studious, but most unhappy care, a deliberate, but most infelicitous solicitude. The fact of secrecy was a most important incident in the case. The backstairs character of the business was most characteristic and most essential; yet Lord Stanley kept back that portion of the leading circumstances of the case, and erased—erasures are always suspicious —a word, of all other the most illustrative of his proceedings. Even supposing that Lord Stanley's interpretation was the right one, still this mode of proceeding was most censurable; but in point of fact Lord Stanley's instructions were a clear departure from the agreement. The agreement took the burden of proof of title off the shoulders of the Company; the instructions put that burden upon them. The instructions inverted the order of proof in the Court of Claims, making the Company claimants and not defendants. Thus the position of the Company was wholly changed with regard to the 50,000 acres, to which they were to "relinquish their claims." But Lord Stanley, instead of being satisfied with a relinquishment of claim, required a proof of title, a clear deviation from the contract. But the Under Secretary for the Colonies tells us, that the Company relieved Lord Stanley from all imputation by their letter of the 29th of February, 1844. I was astonished at his saying this, for if he had read a little further he would have found that they complain bitterly that Lord Stanley had given a different construction to the agreement, and from that on which they insisted. [Mr. *Hope:* Read on.] I will. Why did not you read on? Did you read it before you came down to the House? Why is there this *hiatus valde deflendus*? What comes next?

> "We hope that no practical evil will result from this misunderstanding." [Hear, hear. I will read on:] "But it is not the less fatal to our utility that there should be any possibility of their occurring. It is alike destructive of our energy and prejudicial to the policy of the Government, that in the infancy of a Colony we should carry on the all-important work of providing it with inhabitants, without concerting beforehand everything that relates not only to the carrying out of the emigrants, but to the policy to be adopted towards them after the establishment in their new homes."

Sir, the rest of the passage relates to the state of the Colony—a question into which I will not enter; but I cannot refrain from observing, that in one particular the New Zealanders have made great progress in civilization, for I find among the papers published by the Government an account of a most interesting meeting of chiefs, one of whom, Napera, says to the representative of Lord Stanley, "Speak your words openly; speak as you mean to act: do not say one thing and mean another." These are words in which so admirable an injunction is contained, that it ought to be written in characters of gold in the Colonial Office.

The *Solicitor General* said, the right hon. and learned Gentleman had talked with great fervour, but had not added much to the enlightenment of the House on the subject under its consideration. He would admit that the hon. and learned Gentleman (Mr. C. Buller) had temperately and fairly brought this question before the House, and he was quite sure that the House felt the propriety of entering on a debate of this nature, which was likely to involve so much personality, in the spirit in which the hon. and learned Member for Liskeard had opened it. He wished to call the attention of the House to the real question before them, and he trusted he should be able to show that there was no foundation whatever for the charge which had been made against the noble Lord—a want of good faith in sending out instructions not in the spirit of an agreement he had previously entered into with the New Zealand Company. He trusted he was able to show that the noble Lord had strictly pursued the terms of the agreement entered into between him and the Company, and that his Lordship had openly and candidly communicated everything that it was necessary the Company should know in connexion with this transaction. It was necessary to go back a little to the origin of the dispute, which arose upon the construction of an agreement entered into by the noble Lord then at the head of the Colonial Department (Lord J. Russell) and the New Zealand Company. Prior to the cession of the sovereignty, the Company, although not recognized by the Government, had become the purchasers of land from the natives to a very considerable extent. A question arose whether under their agreement with the noble Lord the Member for the City of London, then the Secretary for the Colonies, the Company was bound to make out their title to this land before they could receive a grant of it from the Crown. That continued an open question; and it was important that the House should bear this in mind, because it would afford a clue and an interpretation to many of the expressions in the correspondence upon which observations had been made; the question between the Colonial Office and the New Zealand Company, after the sovereignty had been ceded to the Crown, being in what manner the original agreement was to be carried out. Lord Stanley, at a very early period of the correspondence with the New Zealand Company, proposed to give them a *primâ facie* title, which would have afforded them a very great advantage over other purchasers of land. In answer to a letter, dated the 21st of December, 1842, from the Company, Lord Stanley made an order for granting a *primâ facie* title; and in a letter dated the 8th of June, 1843, wherein the probability that much of the land might be waste was admitted, it was announced that his Lordship was ready to place it at the disposal of the Company, but that he would not undertake to over-ride all prior titles, or define what constituted a native claim. The offer of *primâ facie* title was again made in that letter; and it was stated that should the Company assent to the views taken by Lord Stanley, he would not object to instruct the Government to make it subject to prior titles, to be established as by law provided. The terms then offered were not adopted; but it appeared that subsequently the Company thought better of the matter, and they themselves proposed to Lord Stanley the very offer which he had twice before proposed to them, and they had twice before rejected. Their letter of the 8th of May, 1843, would bring the House to the very point in dispute. In that letter a distinct proposal was made by the Company to Lord Stanley upon the very terms they had previously rejected. In that letter the Company proposed,—

"1. To purchase 50,000*l.* worth of land in Auckland and its vicinity, 10,000*l.* worth at least to be in the town, and 25,000*l.* worth at least to be in the country; the Company taking the remaining 15,000*l.* worth of land in town, suburban, or country lots, provided they do not take more altogether in suburban than in town lots.

"2. That the town lots be purchased by auction, and that they be offered at the upset price of 100*l.* per acre. As far as practicable, however, such lots to be put up together in parcels of ten acres each, and the whole lands applied for in the town by the Company, at any one time, to be sold on the same day, unless otherwise settled at the request of their agent, and with the assent of the Governor.

"3. The suburban lots to be sold by auction. If the Company apply at one and the same time for 100 acres or upwards, the whole to be put up together at one general upset price of 5*l.* per acre.

"4. The country lots to follow the rule established by the Land Sales Act.

"5. That credit be given to the Company by the Land and Emigration Commissioners, for the sum of 50,000*l.*, in consideration of their abandoning their claim to 50,000 acres of land out of the whole quantity to which they are already entitled."

They went on further to say,—

"For the purpose of effectually settling the question of the Company's title, and of quieting the minds of their purchasers, they suggest that your Lordship should forthwith direct his Excellency to make to the Company a conditional grant of the lands selected by their agents; the Company obtaining within the district so selected, the whole title which the Crown may have the power to grant: and having the option, in the event of prior claims being set up, of either excluding from the selected lands such portions as may appear to be subject to such prior claims, and in that case receiving a corresponding number of acres in lieu, or of including such portions, subject to the prior title, but obtaining from the Crown, in respect of them, the exclusive right of pre-emption enjoyed by the Crown."

In that letter, then, was a very clear and distinct statement by the Company of the terms upon which they were to have a conditional title conferred upon them; and he would ask any hon. Member to look at that letter and say whether it was not perfectly apparent that the Company assumed at that time that they would have to clear the title themselves, in order that they might be in possession of lands to which he admitted they were to have a *primâ facie* title. They claimed to have acquired a title to 20,000,000 of acres extending over five degrees of latitude; and their agreement with the Crown was that they were to be entitled out of that particular district to a certain number of acres, corresponding to the extent of their outlay in the proportion of four acres to 1*l.* sterling. They were to select their land, and to make good their claim before an accountant, Mr. Pennington. Now, it must be borne in mind, that Auckland was not within their district at all. That was very important, because the whole of the argument with respect to the arrangement turned materially upon that point. They were, however, desirous of establishing a settlement at Auckland, and in the letter of the 8th of May, 1843, they made a proposal to the Colonial Office to purchase 50,000 acres of land in Auckland and its vicinity, for which they were willing to give up 50,000 acres of their land, to which they would be bound to establish a complete title having by reason of their outlay that *primâ facie* title in their favour to which the right hon. and learned Member for Dungarvon had alluded; but still being compellable in case there was any adverse title against them to clear their title. When, therefore, they used the term, "abandoning their claim," they did not mean to say abandoning their claim to that to which they had a settled right, but a claim which they would have, to select out of their particular district any number of acres, and give in exchange for other land in Auckland. In the letter of the 12th of May, 1843, Lord Stanley assented to the proposal of the Company, and intimated that he was prepared to issue to Governor Fitzroy instructions to the effect proposed in the Company's letter. And then began the first dispute between the Colonial Office and the Company. The Company were to have 90,000*l.* of land about Auckland, in exchange for 50,000 acres of the land to which they could establish their claim elsewhere. It was important that the House should understand that the question of clearing the title was from the commencement to the end an open question between the Colonial Office and the Company. What did the Company contend for in this case? They said,—

"We are to have 50,000*l.* worth of land at Auckland, and in exchange for that we are to give—what?—some imperfect unascertained right, which we may have to 50,000 acres of land, which according to the original produce must be taken at 5*s.* an acre, and we are to have credit at 1*l.* an acre, and, not to say anything whatever as to right or complete title, that is to remain for the Crown to satisfy itself upon."

He said that the instructions pursued the very spirit and letter of the agreement. In the letter of the 8th of May, 1843, the Company showed that they were to clear the title to the lands, and were not to be entitled to any, except by that conditional title which was to be conferred upon them, and which might be opposed by a stronger title which they themselves were to get rid of: and that was the understanding between them and the Colonial Office. There was not the slightest ground for imputing to the noble Lord any want of faith respecting that part of the subject.

But then the hon. and learned Member for Liskeard objected so certain terms used by Lord Stanley in his answer to Governor Fitzroy. Now, it was quite clear that Governor Fitzroy had mistaken the position of the Company and the Colonial Office with respect to the arrangement between them. Lord Stanley, in his letter to Governor Fitzroy of the 26th of June, 1843, said,—

> "You will there perceive, that Her Majesty's Government have conceded to the Company, as regards the district included in the original agreement, that with a view to facilitate the adjustment of their titles, the Local Government of New Zealand should be directed to make to the Company's agents a conditional grant of the lands selected by them on the terms definitely stated in that correspondence, the principle of that concession being to allow to the Company a *primâ facie* title to such lands, under the condition that the validity of their purchases shall not be successfully impugned by other parties. Subject to this qualification, I concur in the view taken by you on this point."

Why did he not say, "I differ from you entirely; you have taken an erroneous view of the whole matter?" Why? Because he had not; he had only taken an erroneous view of this: they were to be put in the position of persons who had a *primâ facie* title. But it was said, that in the last part of the instructions Lord Stanley adopted Governor Fitzroy's view—

> "That there was no reason for saying Government was indebted to the Company for any given quantity of land, or that any specified quantity of land was due to them from the Government (unless under direct purchases from itself), or that the Government was bound to make a compensation to the Company for its expenditure."

That was the whole question. Lord Stanley denied from the beginning that the Crown was bound to make good any title to the Company by clearing the way for them; there was merely conceded to the Company a right to select out of the district in which they asserted a claim; and therefore, of course, Lord Stanley adopted the view of Captain Fitzroy, who was right in saying that "the Crown was not indebted to the Company," and so on. There were, then, five points submitted for the consideration of Lord Stanley by Captain Fitzroy; and upon three of those points the correspondence of the 8th and 12th of May gave a distinct and definite answer. Was there any objection to Lord Stanley having referred Captain Fitzroy to that correspondence upon those points? What, then, was alleged against Lord Stanley? What was this "breach of faith," asserted so strongly on former occasions, but so moderately that night? Why, the two other points—the third and the fifth—turned upon questions still under negotiation between the Colonial Office and the Company. "On the third point his Lordship referred the Governor to Lord J. Russell's instructions to Captain Hobson of 22nd of April, 1841;" that was the modified agreement upon which the whole question arose. The fifth point also left an open question,—" whether the Government was indebted to the Company for any given quantity of land, or bound to make compensation for the Company's expenditure?" But Lord Stanley was charged with having written "confidential" on his letter to his own Agent, the Governor of the Colony, expressing his opinion as to open questions still under discussion. Then there was the grave charge, that the letter having been originally written with that word upon it, it was somehow or other imperfectly erased, and in that way the letter was presented to the Company. Now, how came that letter to Captain Fitzroy to be communicated to the Company at all? On the 18th of January, 1844, the Company wrote to Lord Stanley,—

> "We rely on the satisfactory arrangement of every subject connected with our own land claims, as soon as Captain Fitzroy's arrival in New Zealand shall enable him to carry into effect your Lordship's instructions; but, at the same time, it appears essential that the public should be apprised of the nature of those instructions; and we should feel most thankful if your Lordship would communicate those instructions to us, and thus enable us to inform the public of the grounds on which we feel assured of the prompt and satisfactory arrangement of these land claims."

If the instructions were communicated with the word "confidential" on them, the Company might feel precluded from showing them to the public; and, therefore, the word was erased. He trusted that phantom was laid. But Lord Stanley was charged with "a breach of faith" by the hon. and learned Member for Cockermouth (Mr. Aglionby); while the hon. and learned Member for Liskeard (Mr. C. Buller) in more measured terms imputed a misapprehension or misconstruction and violation of the agreement, inducing very serious consequences to the Company. When were these instructions communicated to the Company? On the 1st of February, 1844. There was no want of ingenuity among the members of the Company—they were acute and subtle enough to perceive distinctions, and to put proper or improper constructions upon agreements. He did not mean to say wilfully improper—he imputed no wilful misinterpretation—he only meant to contend that their construction was, in fact, an improper construction. Clearly, however, they were persons who perfectly understood their rights, and were capable of comprehending the instructions. Now, what was the mode in which they spoke of the noble Lord whom they charged with all this guilt? Why, on the 29th of February, 1844 they wrote,—

> "We offer these suggestions in full reliance on their being entertained by your Lordship in the spirit of candour, confidence, and anxiety for the well-being of the Colony. In whatever course may seem best to you for attaining the object we must equally have at heart, your Lordship may depend upon our cordial co-operation. Having laid the truth before you, we leave the matter in your Lordship's hands, with entire reliance in the benevolence and justice which will influence your decision."

Now, if they really believed Lord Stanley guilty of what they were at present pretending, would they have written in these terms? Would they have negotiated with Lord Stanley? Would they have laid open to him the state of their affairs? The noble Lord sat in that House for a whole Session afterwards; according to the statement on the other side he had been guilty of this want of faith, and they must have discovered it in February, 1844; why did they let the matter remain for a whole Session, and bring forward the charge for the first time when the noble Lord was gone to another House—when his back was turned? The Committee was not moved for till June, 1844; the House sat in February, 1844; March, April, and May passed away, and this charge was not brought forward. Was that fair? But Lord Stanley acted according to the view he had invariably taken of the agreement between him and the Company, and gave those instructions which alone, according to his understanding of the spirit and letter of the agreement, he could give.

Mr. *Hutt* wished to correct one mis-statement, which had just procured for the hon. and learned Gentleman the cheers of his party. At an early period of the year, the New Zealand Company laid the facts before their proprietors; and on the 26th of April, and not in June, the noble Lord consented to a Committee to inquire, specially stipulating that when the Committee was moved for, not one word should be said upon the subject of the dispute between the Company and the Government. He, if the hour were not so late, could correct at least half a dozen mis-statements of this kind.

Captain *Rous* would pledge himself that, when the facts were investigated, Lord Stanley should be acquitted in the opinion of every impartial man in the House. If the advice of the New Zealand Company had been taken, at this moment a war of extermination would have been going on between the red man and the white man. All these evils had been prevented by the moral courage shown by the noble Lord. He had been at New Zealand himself, and knew the character of the New Zealanders; and the Company had formed a most erroneous estimate of it. They had estimated the character of the New Zealanders as similar to that of the people of New Holland; but they were as different to the people of New Holland as the high-bred Hindoo was to the Negro. Lord Goderich had allowed the independence of the country, and had given the people a flag. In 1839, the independence of the country had been acknowledged by England; but because certain gentlemen chose to speculate in land, in open defiance of what had been done, it became necessary to send out a Captain of the Navy there, to protect the people and keep order; and because one party had done an illegal act, the Company at once took possession of the land of New Zealand, of its forests and its minerals, and held the land of the Crown. He looked on the whole transaction as most unprincipled. The New Zealanders had just as much right to their property as any one in England. They spoke of the dispute between the Company and the Colonial Secretary, but entirely forgot the lords of the soil. They went on the good old principle, that

> "He should take who has the power,
> And he should keep who can."

They wanted Captain Fitzroy to act as a spoliator. When the subject was fully entered into, he would prove that every step which had been taken with regard to

New Zealand was wrong in principle and in equity.

Viscount *Ingestre* totally differed with his hon. and gallant Friend. Having been for some years connected with the New Zealand Company, he rose for the purpose of saying that he had given his perfect acquiescence to all the acts of that Company; and he would further state, that their acts had been guided solely with the view of promoting the general good of the Colony; and the more that question was gone into the more that would be apparent. He could not, however, agree in the words of the hon. and learned Member for Cockermouth, that the noble Lord the Secretary for the Colonies had been guilty of fraud and deception. No one who knew the noble Lord would ever attribute such motives to him.

Mr. *Aglionby* said, that having been frequently alluded to in the course of the debate, he felt called upon to offer a few observations to the House. It was true that he had said that there was a breach of faith and want of candour on the part of the noble Lord the Secretary for the Colonies; and how far he was justified in making that charge would appear by the facts he would state to the House. He had no fault to find with the speech of the hon. Gentleman the Under Secretary for the Colonies (Mr. G. W. Hope); but he could not say so much for the speech of the hon. and learned Gentleman the Solicitor General, who appeared to him to have assumed the character of an advocate. When the noble Viscount opposite (Viscount Ingestre) declared himself to be connected with the New Zealand Company, there was a laugh. ["No, no."] There was a cheer, at any rate; but he (Mr. Aglionby) begged to say, that there were persons belonging to that Company as honourable in station, as high-minded, and as well known, as any of those who sat on the Ministerial Bench. The Solicitor General had totally and entirely misrepresented the wishes and intentions of the New Zealand Company. The hon. and learned Gentleman said that the Company were anxious to go to Auckland and colonize it; but that was entirely a mistake. On the contrary, it was only when it was represented to the Company that Auckland was in a state of distress, that they were induced to go and deal with the circumstances in the best way they could. It was not a proposition emanating from the Company. It was a compromise and an agreement by which the Company acceded to the request of the Government. The Solicitor General was mistaken in supposing that the terms entered into by the Company were offered by them; they were dictated by the Colonial Office; the terms of which were discussed over and over again. The Solicitor General was not only wrong in his dates, but he was wrong in his facts. The hon. and learned Gentleman had said, that if Lord Stanley were present in the House, he (Mr. Aglionby) and those who entertained the same opinions with him, would not dare to make this charge against the noble Lord. But did he or his hon. Friends make the noble Lord go to the Upper House? On the contrary, he (Mr. Aglionby) felt himself to labour under the greatest possible disadvantage from the absence of the noble Lord. If the noble Lord had been present, he (Mr. Aglionby) would have had nothing to contend against except the noble Lord's powers of mind and powers of debate. But in his absence, he had to contend against minds prejudiced and uninformed. He, therefore, sustained a great disadvantage from the absence of the noble Lord. It was stated that on the 29th of February, 1844, a knowledge of the letter of Lord Stanley to Captain Fitzroy came to the Company, who, for the first time, made some remarks upon it. The fact was, that the knowledge of such a letter having been written came to the Company on the 1st of February, but it did not come till after the Committee of Inquiry. On the 1st of February, the Company received a letter from Mr. Hope (the Under Secretary for the Colonies), with inclosures; and one of those inclosures was Lord Stanley's letter of the 26th of June, 1843, being an answer to Captain Fitzroy's letter, which was dated the 15th of June; but the latter was not inclosed. It was only fair to say that the noble Lord had made the same assertion as that which his Under Secretary had made to-night. He believed Captain Fitzroy to be an honourable man; he was, however, obliged to act in accordance with his instructions. Lord Stanley said there was no difference at all between the agreements; but they (the New Zealand Company) felt that there was such a difference, that they made known their complaint as publicly as they could, at a meeting of the shareholders on the 26th of April. He went down in June to take leave of Captain Fitzroy at Gravesend, and until that day he never heard that any doubt had been expressed, and the Company had entirely and explicitly confided in the noble Lord the Secretary for the Colonies. He could not understand the explanation which had been given by the hon. Gentleman the Under Secretary for the Colonies. The word "confidential" first appeared upon the Paper when it was laid before the Committee. When he looked at the copy sent to the New Zealand Company, he could not at first see the word, but at last he found that it had been minutely erased. It appeared to him at the time, as it did now, that there had been a premeditated intention to keep the communication from the Company. He would not detain the House further, but would leave the question with hon. Members and the public to determine. He hoped he had endeavoured to keep clear of raising the main question with regard to New Zealand, which it had been his anxious desire to do.

Sir *R. Peel* said, that the impression which had been left on his mind as the result of the discussion was one which he thought must be shared generally by the House—namely, that his noble Friend the Secretary for the Colonies was entirely acquitted, either of any intention to deceive, or of any actual deception. He inferred that to be the impression of the House, because all those hon. Members who were present when the debate commenced, and who heard the explanation of the hon. Gentleman the Under Secretary for the Colonies, had, with very few exceptions, left the House; and he thought they would have remained and taken an opportunity of stating their opinions, if they had entertained sentiments adverse to the statements made by the hon. Gentleman. He now saw on the first Bench opposite, out of the four hon. Gentlemen who were occupying it, three members of the New Zealand Company. There were four Gentlemen on the second bench, and they were all members of that Company. There were eight Gentlemen, therefore, on the opposite benches, and seven out of the eight were members of the New Zealand Company. [Mr. *Mangles:* Your bench opposite is chiefly occupied by Members of the Government.] The hon. and learned Member said that the Company were in possession of the letter marked "confidential," which had been written to Captain Fitzroy; but they had not seen the letter from that gentleman to which the letter marked "confidential" was an answer. The letter which the Company were in possession of, after stating "I have had the honour of receiving your communication of the 15th instant," proceeded to enter into a recapitulation of the whole of the circumstances set forth in the letter from Captain Fitzroy [the right hon. Baronet here read the portion of the letter to which he referred]. Now, how the hon. Gentleman could labour under any disadvantage in consequence of not being in possession of the letter of his noble Friend, after that statement, he could not possibly conceive. But the hon. Gentleman said he laboured under a great disadvantage in consequence of the absence of the noble Lord, as he would have spoken with much more freedom if his noble Friend were present.

M. *Aglionby* was sure the right hon. Baronet did not wish to misrepresent him; but he certainly had never stated that he would speak with more freedom if the noble Lord were present. What he had said was, that he spoke with the feeling which noble minds always express when referring to the absent.

Sir *R. Peel* said, that was all he meant to convey in the construction which he put upon the hon. Gentleman's words. But he begged to ask whether the hon. Gentleman had not the whole of last Session to make any charge he liked in the presence of the noble Lord? From the 1st of February, when the New Zealand Company were put in possession of the letter which his noble Friend had written to Captain Fitzroy, until the close of the Session, he had a full opportunity of challenging Lord Stanley in his presence; and yet he did not avail himself of it. Another hon. Gentleman said that the contents of that letter were not known to the Company until June; but the Committee did not examine any evidence until that month. The first witness was examined on the 23rd of May, and the second day of examination was in the month of June, so that there was, after all, no ground for that objection of the hon. Member. But why, he would beg to ask, in moving for the appointment of the Committee, was not the conduct of the noble Lord referred to? [Mr. *Hutt:* The Company were not at the time aware of the charge which they now brought against Lord Stanley.] The Company had Lord Stanley's letter to Captain Fitzroy in the month of February; and if, after perusing that letter, they thought his noble Friend chargeable with want of good faith, and considered that he had prejudiced the interests of the Company by his misconduct, why did they allow, if they wished to have the advantage of his presence in that House, the entire Session to elapse without bringing forward any accusation against him? Surely the duty of hon. Gentlemen opposite to the Company should have led them, in the face of the House of Commons, and in the presence of his noble Friend, to demand some explanation of his conduct from him. But the hon. Gentleman said that the Company wished to use civil expressions towards Captain Fitzroy; that the doctrine which they adopted was to let bygones be bygones; and that they wished to put as favourable a construction as possible on his conduct. He was quite willing to give the hon. Gentleman the full advantage of that explanation, but he would maintain that no explanation could clear the Company in this respect. They say now, that so gross a breach of faith was committed by his noble Friend, that if they had been aware of it, they would have refused to hold personal communication with the noble Lord on the subject of New Zealand. But he certainly could not reconcile that declaration, and their present unfavourable impressions with regard to Lord Stanley, with the declarations made by them to him, after they were cognizant of the facts of which they now complained. He found that on the 29th of February—the letter to Captain Fitzroy being then in their possession—they used these words in addressing Lord Stanley,—

> "We should have failed in our duty to the public as well as your Lordship, had we not laid the truth fully before you; and having done so, we leave the matter in your Lordship's hands, with entire reliance in the benevolence and justice which will influence your decision on the fate of the Company and its settlements."

Was that, he would ask, language to use towards a man with whom they would not now enter into any communication? But they might depend upon it that the House and the country would not forget the peculiar position in which his noble Friend was placed. His noble Friend was the natural protector of those who had rights which he thought it was incumbent upon him to protect. His noble Friend acted from the first under the impression that those natives of New Zealand—illiterate as they might be, and inferior to Europeans in civilization—were yet not to be altogether overlooked by the Government. He agreed with the hon. Gentleman, that the members of the New Zealand Company in that House were entitled to great respect — that they were Gentlemen holding high stations and were of high characters in that House and in the country, and that they were therefore entitled to great respect. His noble Friend, therefore, risked much in offending them in the execution of his public duty, but still he did not shrink from his task; and in proof that the noble Lord was right in what he had done, he might refer to the principles laid down by the Company themselves in speaking of the Treaty of Waitangi. They say,—

> "We did not believe that even the royal power of making treaties could establish, in the eye of our courts, such a fiction as a native law of real property in New Zealand. We always have had very serious doubts whether the Treaty of Waitangi, made with naked savages by a Consul invested with no plenipotentiary powers, without ratification by the Crown, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages for the moment. But we thought it most probable, that whenever possession of New Zealand should be actually obtained by Her Majesty, the view hastily adopted by Lord Normanby would be found impracticable, and abandoned."

That was the language used by that powerful Company. They thought the law of property was a fiction, and they had serious doubts whether a treaty "made with naked savages by a Consul invested with no plenipotentary powers, without ratification by the Crown, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages for the moment." If his noble Friend put a different construction from that adopted by the Company, on treaties entered into even with naked savages, he believed the sense of justice in that House and in the country would put a favourable construction upon expressions in letters of his noble Friend, who had no other object in view than to see justice done between a powerful and influential Company, and savages, whom his noble Friend thought ought not to be deceived by treaties, even when made for the purpose of pacifying and amusing them. He would confidently leave it to the country to decide whether his noble Friend could be justly charged with a breach of faith in his transactions with the New Zealand Company.

Mr. *Aglionby* begged to explain. He denied having spoken in the name of the Company when he accused Lord Stanley of a breach of faith. The Company never said that the noble Lord had been guilty of such a gross breach of faith that they would hold no further communication with him; and he did not think the right hon. Baronet was justified in putting such a construction upon what had fallen from him. What he stated was, that he would, individually, hold no communication, or would not discuss with Lord Stanley matters which required plain dealing or good faith.

Mr. *Mangles* expressed his regret that so much acid had been thrown into the debate by the Solicitor General. He was quite satisfied to let the matter go before the country on the debate of that night.

Mr. *Rice Trevor* wished merely to state the impression on his mind, from what had been said on this and on the former occasion. It had been complained that Captain Fitzroy had not communicated the contents of certain letters he had received from Lord Stanley. The letter of Captain Fitzroy, expressing his doubts, was written on the 15th of June, and the reply of Lord Stanley was on the 26th of June; but Captain Fitzroy could not mention the private letter he had received from Lord Stanley conveying his Lordship's advice. Whether he was right or wrong in withholding it, it was quite clear that he could only have communicated it on the 26th, 27th, or 28th of June. He noticed this fact merely to show that there could have been no clandestine correspondence purposely concealed.

Mr. *C. Buller* put it to the right hon. Baronet whether he thought it quite fair to quote the passage he had read to the House? In order to raise a feeling in the House against the New Zealand Company, he had gone into matter which he apprehended would show that the New Zealand Company were inclined to act unjustly towards the natives. This course was hardly consistent with the understanding entered into regarding the debate, especially when the right hon. Baronet must be aware that there would be no opportunity to answer it. The right hon. Baronet had quoted one passage out of the correspondence of the New Zealand Company; but the House would not fail to recollect that the whole matter must be brought forward again on the larger question after Easter. He would undertake to prove on that occasion that that passage, which he admitted had been written and sent, did not afford a full and fair view of the feeling of the New Zealand Company towards the natives, and that, coupling it with the context, the object was to do more for the natives than even the Treaty of Waitangi secured to them. The complaint was that on the 1st of February, the Company became cognizant of the violation of the agreement by Lord Stanley, and that on the 29th of February, the Company had nevertheless expressed its confidence in the benevolence and justice of Lord Stanley. He admitted that at the moment they had not formed so unfavourable an opinion of his Lordship; he would take it for granted that they were at that moment still in treaty with Lord Stanley; but they were anxious that Government should step forward to arrest the great calamity with which New Zealand was then threatened. The 26th of April was the first opportunity the New Zealand Company had to come forward and state their views. The Report was before the noble Lord, and from the 26th of April to the end of the Session, their lips were closed by this fact—that in moving for a Committee it was a stipulation that nothing should be said. The Committee was then appointed; and it would not have been decent nor tolerable, when the whole matter was referred to a Committee, that any part of it should be brought before the House. The Committee did not conclude its labours until near the end of the last Session, and early in the present the subject had been introduced.

Mr. *Milnes* had only a sentence to utter, and that sentence was not his own. It was a passage from the lectures of Professor Merivale, who declared,—

"That never had there been a commercial undertaking in which the love of gain was more completely subordinated to every higher impulse; and that never had there been a commercial undertaking more continually guided by the highest laws of justice and humanity, than the New Zealand Company."

Sir *R. Peel* said: I consider that I was perfectly justified in referring to the document alluded to by the hon. and learned Member for Liskeard. The hon. Gentleman tried to justify his charge of want of faith against my noble Friend by saying that my noble Friend, in his letter to Governor Fitzroy, had used the expression that he (the Governor) should aid the objects and claims of the Company " as far as was consistent with the interests of other parties and with those of the community at large." The hon. Member stated that this construction was a breach of the original agreement with the Company. I conceive, therefore, that I was justified in showing that there existed good reason for an instruction, which, after all, is only in conformity with the terms of a letter of the 8th of May, from Mr. Somes, on the part of the Company, and which asked Government to do its best to help the Company in their purchases of lands. My noble Friend directed the Government to do so; but to do so in the manner that should be most consistent with the rights of other parties—of the natives and the community at large. How far, after the previous expression of the Company's views, these words can be construed into a breach of faith I will cheerfully leave the good sense of the country to judge.

Original Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Wednesday, March 19, 1845.

MINUTES.] BILLS. *Public.—Reported.*—Railway Clauses Consolidation (Scotland).

3°. and passed:—Railway Clauses Consolidation; Lands Clauses Consolidation.

Private.—1°. Royal Naval School; Whittle Dean Waterworks; Manchester, Leeds, and Hull Associated Railway Companies; Middlebro' and Redcar Railway; Yarmouth and Norwich Railway; Wear Valley Railway; Oxford, Worcester, and Wolverhampton Railway; Chester Improvement; Southport and Euxton Junction Railway; North Union and Ribble Navigation Branch Railway; Glasgow, Garnkirk, and Coatbridge Railway; Glasgow Markets; South Wales Railway; Taw Vale Railway and Dock; Westminster Improvements; Edinburgh Life Assurance Company; Quinborowe Borough; Manchester Improvement; Glasgow Police; Anderston Municipal and Police; Rye and Tenterden Railway.

2°. Staleybridge Waterworks.

Reported.—Kingston-upon-Hull Docks; Cromford Canal.

PETITIONS PRESENTED. By Viscount Newry, and Mr. Shaw, from Ireland, for Encouragement to Church Education Society.—By Sir W. W. Wynne, from Dyserth, against the Union of St. Asaph and Bangor.—By Lord John Russell, from the British and Foreign Anti-Slavery Society, against Emigration of Indian Labourers.—By Sir Thomas Wilde, and Lord Worsley, from Attorneys, Solicitors, and Proctors, for Repeal of Stamp Duty on Attorneys' Certificates.—By Mr. Hutt, from Bottle Merchants of London, for Allowance of Duty on Stock of Bottles.—By Mr. Alderman Humphery, from Southwark, and by Lord Arthur Lennox, from Hants, and Sussex, against Reduction of Duty on Leather.—By Mr. Astell, from Guardians of the Poor of Luton, for Rating Owners in lieu of Occupiers.—By Sir George Clerk, from Samuel Gordon, Esq., for Consideration of his Case.—By Mr. Bouverie, from Provost, Magistrates, and Town Council of Kilmarnock, for Sanatory Regulations.—By Sir Thomas Wilde, from the Medical and Surgical Association, Derby, for Alteration of Medical Practice Bill.—By Mr. Labouchere, from Admiral Codrington, and others, for Inquiry into the Merchant Seamen's Fund.—By Mr. Aldam, and Sir Thomas Wilde, from Leeds and Worcester, against Increase of Naval and Military Establishments.—By Mr. Mitchell, from Bridport, against the Physic and Surgery Bill.—By Mr. Bellew, from Guardians of the Ardee Union, and Mr. Villiers Stuart, from Dungarvon Union, for Inquiry into the Poor Relief (Ireland) Act.—By Mr. Aldam, Mr. H. Berkeley, Mr. Bright, Mr. Brotherton, Mr. Cumming Bruce, Mr. Hogg, Mr. Morris, Mr. Nicholl, Lord J. Russell, and Lord Worsley, from a great number of places, for Diminishing the Number of Public Houses.—By Mr. Lockhart, from Schoolmasters of Hamilton, for Ameliorating the Condition of Schoolmasters (Scotland).

The House assembled soon after noon.

RAILWAY CLAUSES CONSOLIDATION BILL.] On the Order of the Day for the third reading of the Railway Clauses Consolidation Bill,

Sir *R. Inglis* said, he could not avoid taking that opportunity of calling the attention of the House to what seemed to him a matter of deep importance to the community at large. It was strange that in Acts of Parliament authorising the construction of railways, which cost so many millions of money, and the natural consequence of which was the drawing together of such a vast number of persons from the places where they might be naturally expected to receive proper religious instruction, no provision was made to supply that instruction. He thought the matter to which he alluded was well worthy the attention of the noble Lord near him, and others concerned in legislating for such undertakings, to endeavour to provide some means of supplying the spiritual wants of the vast masses of population who were thus thrown together in various places without the security of pastoral care and superintendence. For his own part, he wished to take that public opportunity of expressing his sense of the duty which was incumbent on railway directors in this respect. There was another point, too, to which he would advert briefly; and that was, the necessity of seeing that the police regulations of railways should be managed so as not to afford facilities for producing a breach of the peace. He understood that on a recent occasion arrangements had been made by a great public company for the purpose of conveying a large concourse of persons for the avowed purpose of committing a breach of the peace. He sincerely trusted that all railway companies would take into serious consideration the duty which every Christian member of the community could not but believe incumbent on them, of providing for the religious instruction of the inhabitants of those new towns and places which their operations called into existence, and which were now necessarily totally destitute of all means in this respect. He had only, in conclusion, to express a hope that the noble Lord who had charge of the Bill then before the House, would take his suggestions into serious consideration.

Mr. *Hawes* could not avoid bearing his testimony to the great liberality evinced in respect of the matter alluded to by several great railway companies; and he conceived that this spotaneous consideration for the spiritual wants of those neighbourhoods which were in any way connected with them was more praiseworthy than if they had been compelled by compulsory enactments to do so. That these companies felt the responsibility which rested with them in this respect was evident by the course they were pursuing. The Great Western Railway Company, for instance, were, at one of their stations, near Swindon, erecting a church and a school; and the London and Birmingham Company were also doing the same at one of their stations near Wolverton. And this mode of meeting the spiritual wants of the population around them was much more creditable and advisable than were it done under the compulsory provisions of an Act of Parliament.

Lord *G. Somerset* fully concurred in the justice of the remarks of the hon. Baronet the Member for the University of Oxford, that it was most advisable to secure the benefits of proper religious instruction for the great numbers of people thus brought together; but on the other hand, he fully agreed with the hon. Member for Lambeth, that it was better to leave this to the good-will and proper feeling of the companies themselves, who were connected by locality with those communities, than to have it done by means of special provisions in Acts of Parliament. For his own part, he had known several instances wherein not only had railroad directors evinced a proper anxiety in this respect, but even the contractors themselves who were engaged in managing their works had contributed largely towards providing for the spiritual instruction of the large masses of workmen they had collected together; and he thought it was but fair that he should mention the fact on the present occasion.

Order of the Day read.

Bill read a third time.

Lord *G. Somerset* then moved some Amendments of which he had given notice, which with an additional clause were ordered.

On the question that the Bill do pass,

Mr. *Hawes* would take that opportunity of asking the noble Lord opposite, whether there would be any objection in framing the Standing Orders so as to require all railway companies intending to conduct any works likely to interfere with navigation, to give a notice of their intention so to do to the Admiralty, similar to that they were called upon to give to Parliament. And after this it might be expedient to pass an Act empowering the Admiralty to exercise their authority in preventing such works as might be deemed obstructions to navigation. At all events one result would be, of carrying out his proposition, that there would be time sufficient for Parliament to be acquainted with the full merits of any case that might arise between any public company and the Board of Admiralty. He would take that opportunity of saying, in reference to the manner in which that House had been recently occupied, that he hoped they would never have these morning sittings again. He thought such sittings would be perfectly impossible for the remainder of the Session, if they were to do common justice to the great quantity of private business which had to be transacted. He presumed these morning sittings would not be continued after Easter; but if they were, he conceived it would be next to an impossibility to have a House, as more than four-fifths of the Members would be occupied in Private Committees, and consequently it could not be expected that the public business would be fairly or satisfactorily done. At the close of a Session there might be some reason for morning sittings; but, for his part, he should strongly protest against any renewal of the morning sittings after Easter.

Colonel *Sibthorp* expressed his full concurrence in what had fallen from the hon. Member for Lambeth. The fact of hurrying through two such important Bills as were then before them was almost unheard of in the previous legislation of this country; and for the many years' experience he had in that House he had never known any similar proceeding. If the constituencies of the country could only see them at that moment, with hardly a dozen Members present — legislating at what he might call railroad speed—disposing of two most important measures, at morning sittings, they would have very little confidence in their Representatives. He would take that opportunity of saying, that though he had, at the request of a large and respectable portion of his constituents, presented, as he should be always ready to present when asked by them, two petitions in favour of a railroad, his own sentiments on this system still remained unaltered. He gave the noble Lord near him (Lord G. Somerset) every possible credit for his desire to perform the public business most fairly and efficiently; but at the same time he should enter his strong protest against the manner in which these two measures had been carried, and he hoped they would never again witness a repetition of such scenes as that House presented at the recent morning sittings.

Mr. *Labouchere* said, a very important question was involved in this discussion; and that was whether the House should continue to have morning sittings or not at this the busiest part of the Session. There were some occasions, however, which would only permit a choice of evils, whatever inconvenience might arise from those early sittings. However, he hoped this practice would not be continued or adopted as a precedent; the principle he did not approve of. On the present occasion, however, he did not mean to blame the Government for the course they had pursued. These measures were of importance and of a pressing nature; and if not taken at the early sitting their discussion would in all probability obstruct a great deal of other business.

Lord *G. Somerset* regretted, both for the sake of hon. Members and the Speaker, that they had been obliged to have recourse to the present proceedings; but particular reasons had rendered it necessary that these Bills should be passed as expeditiously as possible, as it was considered that great public benefits would be conferred by them. It was found impossible to proceed with this Bill at any other time than that selected, and it was of the greatest consequence to have them carried out before Easter. But with regard to having morning sittings after Easter, he conceived such a thing would be next to an impossibility, when the great mass of private business that was before the House was taken into consideration. With respect to the suggestion thrown out by the hon. Member for Lambeth, on the subject of the Standing Orders, and requiring a notice to be given to the Admiralty, he thought the question was a highly important one, and deserving of much attention, and he promised to introduce after Easter some proposition on this subject for the consideration of the House.

Bill passed.

House adjourned and resumed at five o'clock.

MAYNOOTH COLLEGE.] Sir *R. H. Inglis*: A few days ago the right hon. Baronet at the head of the Government answered a question which had been put to him conjointly by the hon. Member for Louth and the hon. Member for Roscommon, as to the time it was his intention to bring forward his proposed measures upon the subject of the Roman Catholic College of Maynooth, and other academical institutions in Ireland; but the right hon. Baronet did not state more upon the subject than mentioning the time at which he proposed to call the attention of the House to these subjects. I therefore request permission to ask him in what mode he proposes to deal with those important questions? — whether by an increased grant upon the Estimates for the current year, or by Bill, the effect of such Bill being to place Roman Catholic Institutions on a permanent basis, and withdrawing them altogether from the annual revision of Parliament? If it be by Bill, I wish to ask the right hon. Baronet whether it is or is not his intention to leave the Protestant institutions (for which, although, indeed, the grants were small in amount, yet, being grants, the effect was, to subject them to annual discussions in this House) in a similar condition as they are at present, or to provide for them as in the case of Maynooth, if it be proposed to provide for the Roman Catholic Institutions in Ireland. I have therefore two questions to put to the right hon. Baronet—first, whether he intends to proceed by Bill in the case of Maynooth and the Roman Catholic Institutions in Ireland? And secondly, whether he proposes to leave the Protestant Institutions of the country to be still subject to the annoyance of annual debates in this House?

Sir *R. Peel:* Sir, I am sorry that my hon. Friend has thought it necessary to ask me questions with respect to the character of those measures which I shall have to propose for the consideration of the House, inasmuch as I think that it is of great advantage in such cases to confine our observations to stating generally what the intentions of Government are; however, I have no objection on the present occasion to reply to the interrogatories which the hon. Member for Oxford has felt it necessary to put to me. I certainly propose to proceed by Bill in case of Maynooth and the new academical institutions in Ireland. And if the House is prepared to accede to the proposition for an increased grant, I cannot help thinking that it would be a very great advantage to remove the subject altogether from the necessity of having annual discussions upon it in this House. Now, in reference to the hon. Member's second question, as to whether it is my intention to leave the Protestant Institutions subject to annual discussions in this House, I must say, I think it would be of very great advantage if we were to have no annual religious discussions whatsoever in this House. With respect then as to whether or not these subjects should be annually brought before the House, I think that they should be all treated upon the same general principle, and ought to be placed upon the same permanent footing. I say this without exactly knowing what the hon. Member refers to. [Sir *R. H. Inglis:* What about the *Regium Donum?*] That is a Presbyterian grant. If the hon. Member for Oxford wishes this grant to be placed upon a permanent footing, I am sure that I shall not be disposed to offer any objection. Holding as I do the Presbyterian body in great respect, I shall certainly not be disposed to refuse my consent to any proposition that may be brought forward to place them on an equally permanent footing with the other religious sects in respect to this grant.

Sir *R. H. Inglis:* I have no such intention as that of making such a proposition, and I have no such wish upon the subject; on the contrary, if any such proceeding be attempted, I shall give it my most strenuous opposition.

Sir *R. Peel:* Then, Sir, I think it was hardly fair of the hon. Member to endeavour to raise a prejudice in this house in respect to Maynooth by implying that the Presbyterians were to be placed upon a different principle from the Roman Catholics; and then when I declare that I shall accede to such a proposition, the hon. Member starts up and says, "No, I will oppose it."

INSOLVENCY BILL.] Lord *Duncan* wished to ask a question of the right hon. Baronet upon a subject of some importance to the trading interests of this country; he alluded to an Act of Lord Brougham's, which was passed last Session, to amend the Law of Bankruptcy. In Section 57 of that Act, the power of arrest upon actions for debt not exceeding the sum of 20*l.* was entirely abolished from and after the passing of the said Act, which was the 9th August, 1844. The words exempting such persons after the date of the Bill were, however, accidentally omitted from this clause. The consequence is, that there were about 1,200 tradesmen in Bath who were greatly inconvenienced by many persons who, having contracted debts with them previous to the passing of this Act, now refused to pay the claims that are made upon them. He wished to ask the right hon. Baronet whether it were his intention to remove those evils which were complained of, and to relieve those tradesmen from the hardship they were thus unfairly exposed to?

Sir *J. Graham* said, that he was not made aware of the nature of the question which it appeared the noble Lord was about to put to him. The statement, however, of the noble Lord rather confirmed the view which had been taken by the hon. Member for Portsmouth last night. With respect to the question itself, he was not aware that any general inconvenience had arisen from the measure of last Session. He only knew this fact, that the gaols of this country had been heretofore crowded by a large number of poor debtors, from whom it was, he believed, hopeless to expect payment of the debts for which they had been incarcerated. These gaols were no longer filled by such a class of persons. Neither was he aware that the effect of the measure was to reduce to any extent the amount of credit which had been usually given to the working classes. Under these circumstances he must say that he was not at all prepared to recommend any material alterations in the Bill.

Lord *Duncan*, seeing the hon. and learned Gentleman the Solicitor General present, begged leave to call to his recollection the conversation which had ensued on the occasion of his accompanying a deputation lately in an interview which the hon. and learned Gentleman had granted. The hon. and learned Gentleman then stated that great inconveniences, he was aware, had arisen in consequence of the passing of this Act.

The *Solicitor General* said, he did not think that he should be called upon to answer this question. He hardly thought it fair (a conversation having taken place upon an interview with a deputation) to state in this House the casual observations which might have dropped from him when these tradesmen had waited upon him. He did not recollect exactly what he had said at that interview; but he did state that they must have suffered great inconvenience indeed if, as they had declared, they were not able to recover the debts that were due to them, and he asked them whether they could suggest any remedy. He certainly threw out several suggestions himself, most of which were rejected by them. Nothing at all tangible was agreed upon.

PRESIDENT TYLER'S MESSAGE.] Mr. *Aldam* said, he wished to ask the right hon. Baronet the First Lord of the Treasury, a question upon a subject of great interest to this country. It appeared that the President of the United States, in addressing the Representatives in Congress respecting the conduct of the British Government, said,—

> "The slaves, when captured, instead of being returned back to their homes, are transferred to her Colonial possessions in the West Indies, and made the means of swelling the amount of their products by a system of apprenticeship for a term of years; and the officers and crew who capture the vessel receive, on the whole number of slaves, so many pounds sterling *per capita* by way of bounty. It must be obvious that, while these large interests are enlisted in favour of its continuance, it will be difficult, if not impossible, to suppress the nefarious traffic, and that its results would be in effect but a continuance of the Slave Trade of another and more cruel form; for it can be a matter of little difference with the African whether he is torn from his country and transported to the West Indies, as a slave, in the regular course of the trade, or captured by a cruiser, transported to the same place, and made to perform the same labour under the name of an apprentice, which is at present the practical operation of the policy adopted."

He wished to know whether President Tyler had been correctly informed when he made those statements, and whether the condition of these captured negroes was no better than that of slaves?

Sir *R. Peel* was glad that the hon. Gentleman had given him notice of his intention to ask this important question. He thought that it was to be regretted that the President of the United States of America should send a formal message to Congress on the subject of negroes, who were removed from a state of slavery to freedom, and who had been captured, at great expense to this country, without first ascertaining what was their real condition in the British Colonies. He must also say, that if the President of the United States should think fit to appoint a Commission for the purpose of going to the British West Indian Colonies, and investigating into the condition of the liberated negroes, and of examining whether they were in the state described in his message, so far from there being any objection, every facility would be afforded on the part of the British Government in assisting the Commission to carry on its inquiries, so that the Commissioners might present to their own country a true picture of the condition of the captured and liberated negroes in the English West Indian Colonies. The first passage from the message of the President read by the hon. Gentleman was,—

> "The slaves, when captured, instead of being returned to their homes, are transported to the English Colonial possessions in the West Indies, and made the means of swelling the amount of their products by a system of apprenticeship for a term of years, and that the state of the apprentice was nearly the same as that of the slave, for he was equally denied the exercise of his free will."

Now, it was well known that the state of apprenticeship had been altogether abolished in the West Indies, and no negro who had been captured, and liberated, and sent there, was now, or ever had been, made to serve for a time as an apprentice. He was perfectly free when he landed, and was entitled to all the rights of freedom. But he must be permitted to state what was the course pursued by the British Goverment with regard to the negroes captured by our cruisers. If the slave ship was captured on the coast of Africa, the negroes were generally taken to Sierra Leone, and they were at perfect liberty to determine whether they would remain there or go to the English Colonies in the West Indies. They were also at liberty to determine whether they would return to the districts of which they were natives; in short, there was not the slightest restraint on their movements. There was a Treaty with Spain, in which were stipulations concerning captured Spanish slave ships. By this Treaty it was agreed that the slaves so captured were to be sent to Africa and delivered up free to the countries to which they belonged. This country had a vessel at the Havannah, on board of which the negroes were in the first instance placed who were captured in the neighbourhood of Cuba. Every individual slave was not sent to Africa, as that would be impossible. Some were sent to the West Indian Colonies, but there was no compulsion whatever as to their going thither, nor were they compelled to perform any particular description of labour. No doubt they might enter into contracts as to their own labour, but this was entirely voluntary on their parts. So much for the continuance of slavery in a much worse form. He, however, could understand what occasioned the mistake of President Tyler. By the act abolishing slavery in the British Colonies it was enacted that they should remain in the condition of apprentices for a certain period before they were declared free; and by the Treaty with Spain, in 1835, it was declared that the captured negroes sent to the British Colonies should be put on the same footing as the negro population in them. But in 1836, the apprenticeship system was put an end to in our Colonies, and, consequently, these liberated negroes could not be placed in that situation. In addition to this, there was a Treaty entered into with Brazils in 1827 on the subject of captured negroes. By this Treaty it was provided that captured slaves should be given up to the country to which the slave ship belonged, from whence they were to be conveyed to the country to which the slaves belonged. There was a difference between the Treaties on this subject which this country had made with Brazils and Portugal. By the former it was declared that the captured slaves should become freemen. The Brazilians, however, notwithstanding the stipulations of the Treaty, did not allow their liberated negroes to remain in a state of freedom, but kept them in slavery. In consequence of repeated proofs of this it was signified to the Brazilian Government that for the future the slaves captured should not be given up, if security was not given that they should be in a state of freedom, as the English Government declared that they should not be given up to a state of slavery. Since that time a vessel had been kept at Rio for the reception of captured slaves taken off the coast of Brazil; and more recently they had been removed and kept in some of our West Indian possessions in a state of freedom. He confessed that he was surprised that there should be a message of this kind sent by the President of the United States to the Congress of that country, which was so entirely groundless, and the want of foundation of which could be so readily found out by the slightest inquiry. As to the other part of the message—namely, that subjects of the United States and Great Britain were engaged in carrying on this detestable traffic, it was a very serious matter for consideration. He did not deny the fact, and he would only observe, that if the law could reach the owners of British capital embarked in the Slave Trade, every exertion should be made to enforce it to the utmost.

Medical Charities (Ireland).] Sir *C. D. O. J. Norreys* would feel obliged to the right hon. Secretary for the Home Department to inform him whether the Government intended during the present Session to bring in any measure respecting medical charities in Ireland; and also, whether it were intended to institute any general inquiry into the operation of the Poor Law in Ireland?

Sir *James Graham* replied, that it was not the intention of the Government to bring forward any measure this year on the subject of medical charities, nor to institute any general inquiry respecting the Irish Poor Law.

Railway Department of the Board of Trade.] Mr. *Beckett Denison* said, that as many rumours were in circulation respecting the proceedings of the Railway Department of the Board of Trade, and that arrangements had been made between contending railroad companies, under the cognizance, and at the suggestion, of that Department, he wished to put two or three questions on the subject to his right hon. Friend the Vice President of the Board of Trade. The first question was, whether the Railway Department of the

Board of Trade, or some of its officers, have not, with a view to a favourable Report, negotiated between various companies projecting railroads between London and York, for the purpose of inducing them to make mutual concessions to, and arrangements with each other, but without any invitation or even intimation being made to the London and York Railway Company to take any part in such negotiations? Secondly, whether the Cambridge and Lincoln, and Direct Northern Companies, were not invited, and did not attend at the Board of Trade in the week previously to the publication of the *Gazette* of Tuesday the 11th of March, with reference to a coalition, as a condition to their being favourably reported upon? Thirdly, whether the Board of Trade has not negotiated, or is now negotiating, with the Newark and Sheffield Company, with a view to receiving its pledge that in next year it will apply to Parliament for leave to make a railroad from Newark to Sleaford, to join the Cambridge and Lincoln line? And, lastly, whether such a course of proceeding on the part of the Railway Department of the Board of Trade is not, in the opinion of the Vice President, exceeding the power recommended to be delegated to that Department by the Select Committee on Railroads as set forth in their Report of 1844?

Sir *G. Clerk* said, he had no hesitation in giving an answer to the questions of his hon. Friend respecting the Railway Department of the Board of Trade. In answer to the first question, he could state most distinctly that no suggestion as to any negotiations between contending lines, or inducements for the Direct Northern and the Cambridge and Lincoln to unite, had been made; and no facilities were given to these railroad companies which were not given to his hon. Friend and the other promoters of the London and York Company; and with respect to the second question, as to whether the Cambridge and Lincoln and Direct Northern Companies were not invited to attend the Board of Trade, some days before the 11th of March, and that a coalition was suggested as a condition of being favourably reported on, he (Sir G. Clerk) could state that no such invitation had been given at any time. The facts of the case were simply these:—On the Saturday before the day on which these railroads were reported on in the *Gazette*, some person called at the Board of Trade, and said that a negotiation for a union was being carried on, and was nearly completed, between the direct Northern and the Lincoln and Cambridge lines; and on the Monday an official communication was made to the Board to that effect. Until this communication was given, the Board of Trade had no knowledge of the existence of such intention to unite on the part of the two companies. With regard to the third question, as to whether any communications from the Board of Trade had not been made with a view to negotiations for a union between the Newark and Sheffield Company and the Cambridge and Lincoln Company, he could state that no such communications had, or were going on, sanctioned by the Board of Trade. Under these circumstances it was almost unnecessary for him to answer the last question. Nothing had been done by his noble Friend who devoted so much of his time and so much ability to this matter, which was not perfectly in conformity with the intentions of Parliament when it referred to the Board of Trade to carry into effect the intentions of the House as expressed in the Resolutions agreed to last July.

Viscount *Howick* only wished to ask further, as they had not got an answer to an important part of the questions, as to whether the negotiations for a union had not been suggested by the Board of Trade.

Sir *G. Clerk* replied, that he had intended to have communicated to the House that his noble Friend at the head of the Board of Trade had assured him that no suggestions for a union had been made on the part of that Department to the two companies. The first time that he had heard of the circumstance was only on the Saturday previous to the publication of the Tuesday's *Gazette*, containing the report of the rival lines.

Viscount *Howick* said, that was no answer to his question. He had asked whether the suggestion of the propriety of such union had, not, in the first place, been made by the Board of Trade?

Sir *G. Clerk* replied, that to the best of his belief no such suggestion had ever been made.

Mr. *Ricardo* asked whether an intimation had not been made to one or both of these companies that such a coalition would make a difference in the Report of the Board of Trade?

Sir *G. Clerk* could state that no such intimation had ever been made. The Report, in detail, on these rival lines would be laid on the Table to-morrow, when it would be seen that the Board of Trade came to its decision on grounds which had not been adverted to.

Captain Warner.] Mr. *Somes* wished to ask the noble Lord the Member for South Staffordshire, whether he intended to bring forward any Motion during the present Session, respecting the invisible shell and long range of Captain Warner?

Lord *Ingestre* replied, that he had within the last few days received a letter from Captain Warner, which, with the permission of the House, he would read:—

"*London, March* 10, 1845.

"My Lord—In consequence of the discussion which took place in Parliament last Session, I wish to put you in possession of my present views relative to my discoveries. I have no desire that any direct application should be made for any further commission, similar to the two last appointed, to investigate them, for my past experience leads me to expect nothing but disappointment from such a course. But if any allusion be made in Parliament to my unaccepted challenge to destroy a line of battle ship by means of my long range, which appeared in *The Times*, *Morning Post*, and other journals, of the 21st of August last, I should be obliged by your Lordship's mentioning my willingness to abide by the terms of that challenge. Moreover I am ready to do this; namely, to demonstrate by actual experiments, at my own expense, and without any stipulation whatever as to remuneration, the effect of my powers, both of the invisible shell and long range, to the Master General of the Ordnance and your Lordship; but to none other persons, with the exception, if desired, of the Prime Minister and his Grace the Commander-in-Chief. I only desire that a report of the nature and efficacy of my powers may then be made directly to the Crown; though I am convinced that any Minister of this country, when once thoroughly acquainted with my powers, and their peculiar fitness for either attacking or defending an island like Great Britain, would feel it his duty to communicate to the Sovereign the vital importance of retaining them for the national service. The Duke of Wellington, some short time ago, pointed out before a Committee the superior advantages possessed by the French over ourselves from the nature of their coast, for attacking Channel-bound ships; my practical familiarity with both sides of the Channel enables me to say how entirely correct are his Grace's views, and if he would condescend to grant me an interview, I could demonstrate to him how perfectly I could counteract those advantages of the French, which would prove, in the event of war, so destructive to the mercantile interests of England. My misfortune has ever been to suffer from the want of exact information in high quarters, both as to the nature and the extensive applicability of my discoveries, and my own conduct. My inventions have been represented to be of very limited utility, and myself described as a greedy, mercenary adventurer, having my eye fixed alone upon the Treasury, and unwilling to afford any explanation without first receiving payment, or at least a Government guarantee. But the Prime Minister, as well as your Lordship, is aware that though I have refused to make an unconditional surrender of my secrets to the successive Commissioners hitherto appointed, I have offered to make ample disclosures to Sir Robert Peel and Sir George Murray, leaving the question of reward entirely to their arbitration.

"I much regret that two letters which I addressed to the Prime Minister on the 25th of May, 1842, and the 5th of August in the same year respectively, were omitted from the published correspondence between Her Majesty's Government and myself, as they would have relieved my character from much of the obloquy which has been cast upon it. Upon reference to those letters, of which your Lordship holds copies, it will be seen that I was to receive no reward if I failed in the fulfilment of my undertakings; and in the event of success, the Prime Minister himself was to estimate their value. But since this distinct offer was made, I have been charged, both in Parliament and by a portion of the public press, with having demanded enormous sums before I would enter upon any explanations whatever.

"Without wishing to complain, I must refer to the omission also of my letter of the 1st of May, 1844, to the late Commissioners, in which I offered to place the ship so liberally given me by Mr. Somes, in the hands of the Government, previous to her destruction off Brighton, purposely to obviate the suspicion of any deception or collusion on my part. The sums that have been named may appear exorbitant, but they can only seem so to those who, having a limited and imperfect knowledge of the subject, do not take into consideration the enormous saving to the public that might be effected by the adoption of my discoveries. I have made sacrifices, have expended large sums of money, and devoted the greater part of my life to the prosecution of those discoveries, with the most anxious wish to apply them solely to the service of my country. To your Lordship I now confide the trust of making my last and solemn appeal to the country, and to its Representatives in Parliament.

"I have the honour to remain,

"Your Lordship's faithful and obliged Servant,

"S. A. Warner.

"Lord Viscount Ingestre, M.P., &c."

The House would see from this the situation in which he was placed. He wished to ask his right hon. Friend at the head of the Government, whether he had any objection to the production of the letters of the dates of May and August, 1842, which were left out, no doubt by mistake, of the Papers on the subject laid before Parliament last year. These letters were considered by Captain Warner as of great consequence for the vindication of his character from certain insinuations which had been thrown out against him. He, therefore, hoped that his right hon. Friend would not have any objection to lay them on the Table.

Sir *R. Peel* said, that he did not know that he had either received any letter from or sent any to Captain Warner, which he should have the slightest objection to be produced. He had sent all the letters which he had received on this subject to the Board of Ordnance, and he believed that some had been mislaid there. It was probable that this was the case with respect to them.

Lord *Ingestre* had some conversation with the Clerk of the Ordnance on the subject a few days ago respecting them, more particularly the letter of the date of May 25, 1842, and he had been informed that they had been found.

Sir *R. Peel* could not have the slightest objection to their production.

Sir *Charles Napier* wished to know whether any particular distance was specified as to the extent of the long range.

Lord *Ingestre* replied that it would be seen from the challenge that it was stated at five miles.

Sir *C. Napier* would ask the right hon. Baronet whether there could be any objection to let Captain Warner make a trial at his own expense, and blow up the hulk of a line-of-battle ship. They had already placed an old hulk for the *Excellent* to fire at and knock to pieces, and there could be no great harm in allowing a trial of this scheme against the hull of another old hulk of a line-of-battle ship.

Sir *R. Peel* replied, that since the last discussion on this matter, not a week had elapsed in which he had not received letters from parties offering to discover the means of destroying a vessel of war in a better manner and more effectually than by Captain Warner, on condition, in some instances, of rceiving a reward of 100,000*l.*, and in others of 200,000*l.*, and in others even larger sums. He feared if any encouragement was given, that multitudes of people would be devoting their attention to the discovery of the means of more effectually destroying their fellow-creatures. All that he could say was, that if the author of any one of those projects could show a proof of his possessing the means of destruction to a great extent at a distance of five miles, he would recommend him to make a private communication on the subject to the Board of Ordnance, and he did not despair of leave being given to make a trial.

PENANG SUGAR.] Mr. *Horsman* asked the noble Lord opposite (Lord Jocelyn) whether any measures had been adopted for placing sugar, the produce of our possessions in Penang on the same footing with regard to import duties, as sugar the produce of other parts of our East India possessions? The sugar growers of Penang were, at present, subject to much hardship. Some time ago an Act had passed authorising the consignment of East Indian sugar at the low rate of duty. The Penang planters, imagining that their produce would be treated on the same terms with the produce of our other East India dominions, had invested much capital in making arrangements for its growth, but the privilege had been hitherto confined to the produce of the East India Company's territories. Representations of the grievance had been made to the Board of Control, and that department promised to send out a communication on the subject to the Governor General in Council. This was a year ago; but the merchants and growers of Penang had as yet received no information as to what they were to expect. A Deputation from the planters and merchants of Penang had since waited on the Board of Control. It had been graciously received, and was dismissed with assurances that the case would be taken into favourable consideration. He (Mr. Horsman) wished to ask the noble Lord whether any instructions had since been sent to the Governor of India on the subject? If a fair opportunity were given to our Penang settlements we might import thence an amount of 20,000 tons of sugar yearly.

Viscount *Jocelyn* said, that, on coming into office, he found the draft of a despatch to the Governor-General in Council, strongly recommending to consideration the case submitted by the Penang planters. The claims set up were, as stated by the hon. Member, leave to introduce into Great Britain sugar the produce of these settlements on the same terms with that produced by our other possessions in the East. Within the last day or two a communication had been received from India, in answer to the despatch in question, which stated that the Governor in Council had taken into consideration the recommendation of the Home Government—that he had referred the matter to the Governor of Penang for information as to the settlement's productive capabilities, and what means it had of defraying the expenses that would be involved in the machinery for carrying out the arrangement, provided it were agreed to. This was all he knew at present on the subject; but in a few months the reply of the Governor of Penang would probably be received, and he would then be happy to give what information he could.

Customs' Acts.] House in Committee on the Customs' Acts.

Sir *G. Clerk* moved the following Resolution:—

Resolved—That the Duties of Customs chargeable upon the Goods, Wares, and Merchandize hereafter mentioned, imported into the United Kingdom, shall cease and determine:—

Grease
Greaves for dogs, and Tallow Greaves
Hides, not tanned, tawed, curried, or in any way dressed, dry and wet
——— or pieces of Hides, raw or undressed, and unenumerated
——— Tails, Buffalo, Bull, Cow, or Ox
——— tanned, not otherwise dressed
Lard
Oil, Animal Oil
—— Lard Oil
Hempseed
Rosin
Seed, Poppy
Silk, thrown, not dyed
Stone in Blocks, shaped or rough scalped.

From and after the 1st day of June 1845:—

Seeds, Beans, Kidney or French
—— Cole
—— Coriander
—— Rape
—— Tares.

Mr. *Bramston* rose, pursuant to notice, to move that the word "grease" be omitted. The question whether an article was declared butter or grease, on entering from abroad, depended altogether on the Custom-house officer's fancy, and the article was entered in whatever name he determined. They all knew that when articles were admitted duty free, they passed the Customs with the least possible examination; and, therefore, he thought they were bound to look carefully to this proposition to take off the duty on grease, because under it there might be introduced a considerable quantity of butter, which would either come in duty free, or at a very small duty. He believed there was at present a duty of 21s. on the importation of butter; but if grease were admitted, butter, under the name of grease, might be admitted duty free, thus causing a considerable diminution in the protection hitherto enjoyed by the British farmer. He would, therefore, move that the article grease be omitted from the Tariff, and if he found a seconder he would go to a division.

Sir *J. Tyrell* seconded the Motion.

Sir *G. Clerk* regretted that his hon. Friend had thought it necessary to object to the removal of the duty on this article, and the grounds on which he had done so. He was certain that the hon. Gentleman could not be aware of the facts of the case, or he would have known that the admission of this article was a great boon to agriculture. In the language of the Custom-house grease meant butter that had been damaged, which was unfit for human food. [Lord *Howick*: Hear.] He did not know what was meant by the cheer of the noble Lord. Connected with Northumberland, the noble Lord must be aware of the value of the article. To prevent this article from being used by fraudulent dealers and sold for butter, there was a quantity of tar mixed with it. If hon. Members opposite thought it would be for the benefit of the people of this country that butter which was unfit for human food should be sold as butter by fraudulent dealers, he must say that he could not enter into their feelings. The article was chiefly used for the smearing of sheep, and it was imported into the northern ports of the kingdom, where it was largely used by the sheep farmers on the Cheviots and the Grampians to preserve their sheep from being injured by the cold and wet to which they were exposed on the hills. The hon. Member stated his fears that the article would come into competition with butter; but he could assure him, from the precautions taken at the Custom-house, to prevent an article which was otherwise unfit for human food from being sold by fraudulent dealers to the poor as butter—there was no danger that butter could come in under this arrangement. He thought that butter, which was a perishable article, ought to be allowed to find a vent in this way when it was damaged, and that no disadvantages would accrue to the English farmer.

On the Question that the word "grease" stand part of the Resolution,

Mr. *Ward* said, nothing could be more delightful — nothing more successful — than the arguments of the right hon. Vice President of the Board of Trade. They on his side of the House had cheered the superfluity of his proofs that there was no possibility of butter coming in. If it was fit for food—if there was any chance of it increasing the comforts of the poor man—the right hon. Gentleman showed that he would take good care to exclude it. That was the point they cheered; and the hon. Gentleman had gone on reasoning and arguing, quite unconscious of the cause of their somewhat noisy approbation. He besought the hon. Gentleman—not as a free trader, in which capacity he knew he should not be listened to, but as connected with land, which he happened to be—to spare him in future the humiliation of such advocacy and such arguments. To argue for the monopoly of food as if England were the fee simple of the landholders, and to refuse to admit a grain of wheat or barley without their permission, why there was something grand, something noble in this; but to come forward with their paltry, nasty, dirty monopolies to insist upon butter being mixed with tar lest it should diminish the amount of their protection—this, instead of being according to the intelligence of the time, or the high spirit of the class who sought protection—instead of being like the old feudal Barons issuing from their castles and levying tolls and taxes from all foreigners—this was being nothing better than an area-sneak, the lowest creature of modern civilisation. That was the policy advocated by the agriculturists. He wished them joy of it. Any thing so fatal to the principle of protection as these dirty, petty pretensions, so wretched and miserable in their details, so impossible to go down with an intelligent class, as he believed the farmers were, he had never heard of; and he would not desire anything better, as a free trader, than that the hon. Gentleman should often favour them with such arguments in support of the great agricultural interest.

Mr. *Borthwick* was not surprised that the hon. Member who had just sat down should congratulate the House, and especially his own side of it, upon the recent discussions; for, if anything was calculated to hasten the total abolition of the principle of protection, it was the last discussion of the question in this House. And this night, he supposed, there was to be another great stand-up fight—grease, tares, hides, lard, animal oil, hempseed, rosin, poppyseed, and seeds of all sorts or descriptions were to be prohibited to the English grower. It would be better to state fairly, and at once, that they would not permit him to purchase his seeds in the cheapest market; and that that was the kind of protection which they would afford to the agriculturist. The hon. Gentleman who moved to omit grease, told the House that he had not consulted any other Member as to his Motion. But the hon. Member forgot that the House was consulted about it yesternight, when they were told by the hon. Member for Somersetshire, who was the great champion of agriculture, that if they did not afford this opportunity for another great stand-up fight, he would then divide the House. The hon. Vice President of the Board of Trade said, that this was positively a boon to agriculture; and the noble Lord the Member for Sunderland would bear him witness that this was a great boon to the agriculturists, for without this article it would be impossible for the sheep farmer to preserve his flocks in winter, except at a greatly increased cost. And the hon. Gentleman who wishes it to be omitted, brings forward this extraordinary argument—he would not have grease admitted, because he was afraid of butter. He had no objection to grease in itself; he was too good an agriculturist not to know the value of this article, which was so much used in agriculture, and he believed for no other purpose whatever; but he was afraid of butter being imported under the disguise of grease. That might be a good argument for improving the machinery of the Custom-house; but it was none against the importation of the article, unless that he thought it likely that the people of England would prefer tar mixed with butter to the good pure Somersetshire butter. Let them see then how this question stood, and what were the merits of this great stand-up fight? They were told the other night, in language which they would not easily forget, what was the meaning of a Conservative Administration. He was sorry the hon. Gentleman who gave them that definition was not in his place to tell them what was the meaning of a Conservative Opposition. The hon. Gentleman had told them that the first was an organized hypocrisy. Now, there had been some complaint of a word used, he believed accidentally, at the beginning of the Session, by the hon. Member for Bath. He said that he could not see why the proud lords of acres should come to this House and whine for protection. That word had been repeated, he believed, as a quotation by the right hon. Gentleman the Secretary at War; and then they found that considerable exception was taken to it, as if it were the deliberate opinion of that right hon. Gentleman with reference to the agriculturists. Now, let them compare the two cases. Let them read the reports which they had seen in the newspapers of agricultural meetings in Buckinghamshire and the other counties. They put him in mind of the celebrated scene in the *Midsummer Night's Dream*, where Bully Bottom and his associates were rehearsing the play which they were to represent before the Duke. Bully Bottom was anxious to play the lion, and he said, "Nay, I will roar you so, that it shall do any man's heart good to hear me. I will roar you so that the Duke shall cry, Let him roar again—let him roar again." The Duke did say, let them roar again, and accordingly roar again they did. But when they came to this House they found the hon. Member for Somersetshire, asking, on behalf of the agricultural interest, that 275,000*l.* a year should be transferred to the Consolidated Fund—a fund to which the farmer contributed, as well as other interests, from the county rates. 275,000*l.* asked for by an interest which paid 3,000,000*l.* of the Income Tax. They were, then, again, precisely in the same position as Bully Bottom, who, when told that if he roared so loud he would frighten the ladies, replied that he would roar as meek as any sucking dove, though they had roared so lustily in the country. They were told that they wished to benefit agriculture. Well, what was the way to do it? If they wished to benefit the agriculture of England, they would not find a certain number of Gentlemen dividing on these Motions against other Gentlemen who had all along supported the agricultural interest at large. He believed that the farmers were not to be so easily imposed upon. He believed that the farmers of England would easily see through the whole of this shallow—this most shallow—Parliamentary manœuvre. If these Gentlemen were in earnest—he did not mean to use the word offensively, or to impute improper motives to individuals—but if they were sincere in their opinions, this is what they should have done—they would have followed the hon. Member for Northamptonshire, who had on the Paper a Notice of Amendment to the Motion of the hon. Member for Stockport. That Notice was to move for a Committee to inquire into the existence of distress among the farmers, its causes, and its extent. Why did not the hon. Member for Somersetshire and the other hon. Members round him, support that Amendment? He would tell the House the reason why they did not. Because they knew that if they had done so, their numbers, united to the numbers of the hon. Gentlemen opposite, would have placed the Government whom they assisted to carry these measures, in a minority. That was the reason. He trusted it would go forth to the country that that was the reason. He trusted that some of the "sweet little cherubs that sat up aloft," and took care of these matters, would prove "birds of the air, and carry the matter." In his place in Parliament he felt bound to his constituents to say, that the reason why a division was not taken on the Motion of his hon. Friend—of whose desire to promote the best interests of agriculture there could be no doubt—was a fear that they would thereby put the Ministry into a minority; and if they had done so, they did not know how to extricate themselves from the difficulty, or how they would answer to the country for the serious evils they would thus have caused. The noble Lord was not prepared for such an emergency; hon. Gentlemen opposite were not prepared for it; for the Government was at present in the midst of a great financial experiment. When the right hon. Gentlemen asked these Gentlemen what proposition they had to make on behalf of agriculture, and stated that he was willing to hear them, and patiently to consider their proposition, it was found that they had no proposition whatever to make. Did any of these Gentlemen propose to repeal the Corn Law, and go back to the law of 1828? Not one of them made any such proposition. Did any of them wish to increase the amount of protection in any other shape? Not one of them. ["Question, question."] The hon. Member for Dorsetshire wished him to speak to the question. He would tell the hon. Gentleman what the question was, that he might know exactly the grounds on which he called question. The question was, that grease be omitted, and the hon. Member was about to support that Motion. [Mr. *Bankes:* I am not.] Well, the hon. Member said so the other night. [Mr. *Bankes:* I did not.] The hon. Member says that he did not say so. He begged his pardon. He thought that he said last night he would give it his support. The question was, then, that the duty on grease be retained for the advantage of the English farmer, and for fear that butter should be admitted instead of grease. On that question he was endeavouring to show to the country that all the propositions made on this question from this side of the House were altogether nugatory, useless, and ineffectual for the purpose for which they were intended. He would ask his hon. Friend below him (Mr. Bankes), who he believed was sincerely desirous to promote the interests of agriculture, whether he (Mr. Borthwick), and those who, like him, had been placed in a false position by the absurd Motion of the other night, had not a right to explain their position. He was put by that Motion in the position of affirming that the agricultural interest had not a right to a due consideration of their condition in the disposing of the surplus. [*Cries of* "Question."] That was the grease question, and he said he had a right upon this question to show the consistency of those who said they were farmers' friends in that House, and who came forward in the character of farmers' friends to prevent the farmers from obtaining an article which was necessary to carry on their trade with advantage and benefit to themselves and the country. He did not think it was necessary to enter farther into this question—and he would not have entered into it so far if he had not been asked to define the question. He would only say, in reference to grease and the other articles objected to, that he did not believe a single farmer in England, if the whole number were polled, would agree to this Motion. Sooner or later, depend upon it, the farmers of England would be enlightened. They were vigilantly watching the proceedings of that House; and though they might be deceived for a time, they would at last find out the truth of the matter; and, acting upon their convictions, they would do their duty to the country as he thought they (the agricultural Members) had not done towards them.

Sir. *J. Tyrell* said, as he was one of those who were instrumental in reserving this question and other articles for a separate discussion, he would not now shrink from the part he had taken. He regretted that the hon. Member for Somersetshire was not now in his place; but he was sure the House would sympathise with the reason when they were informed that it was owing to a domestic affliction—and, therefore he trusted no Gentleman would indulge in ill-timed remarks on his absence. With regard to the question now before the House, he for one would admit, frankly and fairly, that all the ostensible—all the clap-trap arguments used by hon. Gentlemen opposite, who called themselves, but in his opinion very improperly, free traders—he would admit once for all—that these arguments were in their favour. But still he would contend that the mass of the articles reserved for separate discussion, did, upon the whole, constitute a grievance—did upon the whole diminish the amount of protection which they were entitled to enjoy on account of the burdens which they were called to sustain. He regretted as much as any man that the time of the House should be occupied with trifling discussions; and if the sense of the House could be taken upon one or two of them, such as lard or tares, he should be satisfied, though he might regret that in that case the House would be deprived of the facetiousness of hon. Gentlemen opposite, and that they would be prevented from making their happy hits. But he thought that would be better than to allow hon. Gentlemen to come forward now and make speeches which they intended to make the other night. The hon. Member (Mr. Borthwick) had become inflated like a little balloon, and he had made an explosion in their rear—but the visible effects, he thought, would easily be got over. But he wished to adhere stoutly to the question. It was admitted on the other side that great quantities of lard were expected to be imported from America. Now, he frankly admitted that that was what they expected. At the opening of the Session the hon. Mover of the Address stated that pig-iron had risen considerably in price, and the right hon Baronet congratulated the country that pig-meat had been lowered 1½*d.* per lb. If pig-iron had risen, was pig-meat or lard to be lowered? He did not think that that was a fair conclusion to come to. He lamented that there was less consumption in the House than there was a few years ago of Conservative arguments generally—and he could assure the House that he did not mean to inflict these arguments upon them now; there would be many other occasions of doing so. At present he would be content if an understanding could be come to, which he admitted was difficult, that the sense of the House should be taken upon one of these articles, which would save the speeches of many hon. Gentlemen.

Mr. *Bright* said, the hon. Baronet who had just sat down had spoken in a tone of lamentation; and he deplored with him the great depression into which the interest he represented had sunk, when even the hon. Gentleman opposite (Mr. Borthwick) had the courage to attack it with so little mercy as he had shown tonight. The hon. Gentleman had, however, thrown his shield over Her Majesty's Government, and that with so much earnestness, that he trusted they would appreciate his services. He had heard of persons being visited with the tender mercies of the Attorney and Solicitor General, on the charge of bringing the Government into contempt; but in his opinion nothing out of doors could tend so much to bring the Government and the Parliament into contempt as the extraordinary arguments which had been used in recent discussions. In another place—which he supposed he was not at liberty to allude to more particularly—there was one illustrious individual who had openly and publicly taken to himself the title of the coroneted fishmonger. Another hon. Gentleman came there manifesting a great concern for butter; another for lard; and another came representing the willow interest. The hon. Gentleman was one, who, from other circumstances, he did not suppose could descend to such matter-of-fact questions as the growth of willows and osiers—but he understood that that hon. Gentleman had an intimate knowledge of the willow trade, as upon his estates there were seventy or eighty acres constantly used to grow willows and osiers. This might be true, or it might not; but, at any rate, there were rumours abroad to that effect. Now, he considered it was not a desirable thing that hon. Members should thus come forward and defend their own personal or family interests. He took it that this was strictly the question; for he wished that the honour of the Government and of that House should be maintained; and he was sure that if the time of the House was to be occupied with personal interests, instead of national ones, they could not retain public respect. Upon the particular question now before them, he believed there could not be two opinions. He believed the agriculturists were wholly mistaken in objecting to the introduction of this article—that they were standing in their own light, as they had often done before. But why should they object to a little butter coming in? It appeared as if the agriculturists were there to maintain a sort of bread and butter interest. It should be remembered that other people had cupboards as well as the hon. Member for Essex and his colleagues; and there were many people in his part of the country who had cupboards with very little in them. He protested against this interference with the comforts of the poor man—this refusing him even the advantage of a little butter, for fear of injuring the profits of the land. He would give the hon. Baronet a piece of advice. He seemed to be in a resigned state of mind. He admitted that the Conservatives, or as he (Mr. Bright) would call them, the *Corn*-servatives—were not rising in the opinion of the House. He would then advise the hon. Baronet to assist the Government in every step they might take to carry out freedom of trade; as they might rely upon it that, unless trade were made free, the hon. Baronet and his Friends would find it very inconvenient to provide for the increasing population and the increasing pauperism of the country. He would state further to the right hon. Baronet at the head of the Government, that he did not take all the means he might to instruct the Members of the House. Any arguments coming from him, or from hon. Members connected with the League, would not be listened to, as coming from enemies. But the right hon. Baronet was a friend to agriculture. He had been brought up among the agriculturists. The exertions of that powerful class had placed him in his present high position; and therefore arguments coming from him would be received rather than rejected by the agricultural body. If the right hon. Baronet would carry out his arguments with vigour, and the hon. Members opposite would bring their agricultural minds assiduously to bear upon it, he hoped that, before many years went round, this question, which now involved them in endless and most ignoble strife, would be brought to a conclusion creditable to the character of the House, and advantageous to the country.

Mr. *Monckton Milnes* could not compete with the hon. Member for Durham in the fine humour with which he had tessellated his speech; but he would say, as the hon. Member had chosen to make a peculiar allusion to him in a matter which he had the other night suggested to the House, that it was not the habit of Members on this side of the House to reprove hon. Members on the other side, when a Motion connected with the manufacturing interest was brought on, that, from the habits of their life, they had every chance of knowing something about the matter. He did not think that he was subject to any great reproof, because he had ventured to bring forward the question of willows, not too prominently, or with undue importance, simply because he happened to know something about the process, the history and the effects of their cultivation. He did not think it was impertinent in any Member of the House to bring before them matters which they might call matters of detail, but which involved the interests of thousands of their fellow-subjects. What was the question before the House at the present moment? The question was, that the Government should be allowed to introduce a certain article free of duty. Hon. Members did not object to the article itself coming; but they objected to another article coming in under its guise, the production of which gave employment to a great number of persons in the grazing counties. The question before them was simply one of fact; and he thought from what had been stated by the hon. the Vice President of the Board of Trade, that there could be no cause for the apprehensions of hon. Gentlemen. He, therefore, had no doubt that the hon. Mover would give up his proposition if the hon. Gentleman believed the statement of the Vice President of the Board of Trade. But the hon. Member for Sheffield had asked, would they deprive the poor man of a little butter coming in under the head of grease? He would tell him, in reply, that if they thought it right to introduce butter, they would not have recourse to a subterfuge, but they would say at once that they thought the English people had a right to the use of that article. [Mr. *Ward*: Well, why not say so?] That was a totally different question; but he insisted that Gentlemen ought not to seek popularity and throw obloquy on other parties, by saying that they would not admit one article under the guise of another. All he wished was, that the Tariff should be carried out in the fair and liberal spirit in which the Government proposed it.

Mr. *Aglionby* would suggest to the House that it was neither expedient nor just that these personalities should continue. He took the questions as they came before him. He did not ask if they were brought forward by one class or another. He dealt with the articles on their own merits. He was very desirous that the Tariff should pass, and he would intreat hon. Gentlemen not to throw impediments in the way. If he had constituents who were interested in the question, he would willingly consult their interests as far as was consistent with the interest of the public at large; but in all questions of a general nature he should only consider the general good. The Motion of the one hon. Member for Essex and the observations of the other seemed to him to be somewhat like a schism in the agricultural interest. The agriculturists in the northern parts of England and in Scotland, would receive a direct and immediate benefit from the reduction of duty in the article under discussion. Some sheep farmers in these districts expended from 300*l.* to 400*l.* a-year in grease for their stocks; and these would receive a correspondent advantage from the proposition of the Government. He hoped, therefore, that the hon. Member would not press his Motion to a division.

Mr. *Ewart* begged to correct an error into which the Vice President of the Board of Trade had fallen with respect to butter converted into grease in order to evade the duty. He could assure the

House that butter which would otherwise be made the food of the people, was converted into grease, and sold as such, because the duty on grease was so much lower than the duty on butter from foreign countries. The effect of this was that the butter in the shape of grease was sent to the agricultural districts, to be used for the purposes of agriculture, whilst the people were deprived of the advantage of its use as an article of food.

Mr. *Darby* said, with reference to the statement as to those small articles, that he thought every Member had a right to bring forward any subject which affected his own constituents.

Mr. *Villiers* was not about to defend the agricultural interest, but he could not avoid saying that in this case a portion of that interest had been very ill used. It seemed to him that the Member for Essex had as good a right to object to the repeal of the duty on grease, as any other agricultural Member had to object to the repeal of the duty on other produce. If the House recognised the principle of protecting agricultural produce for the purpose of raising its price, why should not the hon. Member (Mr. Bramston) claim that advantage for grease? The hon. Member for Essex represented the grease interest as others represented the corn interest, and fully bore out the statement of the hon. Member for Stockport, that one of the greatest absurdities connected with the protective system was the protection amongst the agriculturists themselves of one county against another. They were divided when they were robbing each other, and they were united again only when they were protected, or, to use a coarser expression, all robbing the public together. In the present case, the hon. Member for Cockermouth (Mr. Aglionby) stated that he was an agriculturist, and that he had a great number of sheep which he wanted to grease, of course it was therefore important to him to have grease cheap; whilst, on the other hand, the hon. Member for Essex, who was also an agriculturist, who did not live in Cumberland, and had no sheep to grease, but had grease to sell, was desirous that there should be a good price for grease. They both represented branches of the agricultural interest—sheep and grease; and the representative of the sheep interest pressed the representative of the grease interest not to divide, as he was desirous that grease should be cheap. He should defend the interests of grease from being attacked in particular, unless the whole system of protection was equally exposed to attack. The whole system of protection, or of robbing other portions of the public, if they were to use a coarser expression, was the same; and if one portion of the agricultural interest were entitled to it, he did not see why any portion should be excluded from the advantages. He would therefore advise the hon. Member to take the sense or rather nonsense of the House on the subject.

Sir *W. James* said, that hon. Gentlemen had of late been in the habit of giving the names of certain dramatic characters to one another; the hon. Member for Shrewsbury, for instance, had designated the Prime Minister as the political Petruchio, and another hon. Member had given a name to the hon. Member for Montrose. As that was the practice, he (Sir W. James) suggested that hon. Members opposite attempting to stand between the two parties in that House, were something like Captain Macheath between his two charmers in the *Beggars' Opera*. They said first to the right hon. Baronet at the head of the Government—"My dear Polly, you know all your affections are with us." The words were those of the hon. Member for Stockport—"We know you are a free trader—all we want is for you to go a little way further with us; and then the country will be governed in the best possible manner." They then addressed the agriculturists, and said, "My dear Lucy, at all events, we have this in common with you. We are both farmers' friends, and we are no politicians." If hon. Gentlemen made these distinct addresses at different times to the different parties, they might perhaps have succeeded; but they failed because they made them both at the same time. In spite, however, of the delusive words of the hon. Gentleman, he was quite satisfied that a division would show them that the Conservative party was as united as ever it had been. He was of opinion that the changes proposed by his right hon. Friend at the head of the Government were all for the better; but, nevertheless, he also thought that he was rather hard upon petty interests, and should much prefer to see him make progress with those which were of a greater nature. He (Sir W. James) should not, therefore, vote against his right hon.

Friend's proposition in regard to the Motion before the House, because he believed his right hon. Friend to be essentially the person to govern this country, and because he believed he was fully justified in what he had done in the matter.

Mr. *Aglionby* explained: He had no objection to any hon. Member becoming jocose, particularly when it was done in perfectly good humour; but they had a character to sustain with the public, as well as with themselves, and he therefore did not choose that any hon. Member should misrepresent what he (Mr. Aglionby) had said in that House. He had been represented as if he had said that either he, or some one connected with him, or for whom he had been interested, had a great desire to have grease at a cheap rate, and that therefore he wished the hon. Member for Essex to withdraw his Motion. He (Mr. Aglionby) had never said a word to that effect; and he never recommended the hon. Member to withdraw his Motion. He said the hon. Member for Essex mistook, if he supposed that it was a one-sided question which was involved in that Motion, and that all farmers would be equally benefited if his proposition were carried. He (Mr. Aglionby) was a landowner, but he had always supported the views of the hon. Member for Wolverhampton, instead of maintaining the pettifogging interests of the farmers against the public at large.

Mr. *Bramston* was desirous, after the discussion which had taken place, to withdraw his Motion.

Mr. *Cobden* thought he ought to divide the House on the subject, if it were only for the satisfaction of other Members.

Motion withdrawn; and the word "grease" was ordered to stand part of the Resolution.

On the Question that the words "hides tanned, not otherwise dressed," stand part of the Resolution,

Mr. Serjeant *Murphy* said, that the question before the Committee was one in which his constituents were very much interested. There were no less than fifty tan yards in Cork, and he understood that those engaged in that branch of trade would suffer very considerably in their interests by the removal of the duty from tanned hides. He had been instructed that the manufacturers of leather in this country obtained no equivalent in the Tariff for the advantage which it was thus proposed to give to foreign manufacturers of leather by the abolition of the protecting duty of 2*d.* per lb. on tanned hides. The tanners stated, that large quantities of leather had been introduced into this country in consequence of the changes in the Tariff which had been already made with respect to hides; and, therefore, they anticipated a very great increase in the importation if further advantages were given to the manufacturers of leather in foreign countries. He thought the Government ought to take these statements into consideration; and if they found it necessary to take off the protecting duty of 2*d.*, they ought, at least, to postpone carrying it into effect for some further time, in consequence of the peculiar circumstances affecting that trade. Foreign manufacturers of leather had great advantages over the British manufacturers. The American manufacturer had bark without any expense, unless that which was caused by stripping it from the tree; and the Belgian manufacturer had labour so much cheaper than the British manufacturer, that he had great advantages in that respect. In addition to this, the freights from Cork to London were as high as those from Antwerp. He thought that there were circumstances affecting this trade which, if they were not sufficient to prevent the right hon. Baronet from removing the protecting duty at present on tanned hides, ought at least to induce him to postpone the operation of the Resolution for such a period as would enable the manufacturers to dispose of the stocks which were manufactured, or in process of manufacture, under the existing system.

Mr. *Gladstone* recognised in the arguments of the hon. and learned Member an old friend. The same statements he had heard made in 1842 with greater force and plausibility in respect to the supply from the River Plate. He was sorry that a discussion should take place on that point; but having taken place, it behoved them to deal with it in the usual manner. It appeared, on the whole, most desirable to try the experiment of admitting a large number of articles in a raw state, or the next state to it, without any duty, for the benefit of trade. The question that then presented itself for solution was, whether or not the article before the House was one of them. On the ground of consistency, as well as on the ground of principle, he thought it should be included in the list of exemptions; although he would not, on the former ground, say, that, should good and sufficient reasons be assigned, the subject might not be further considered. These reasons, however, had not been adduced. It was only the other night that dressed skins were admitted without the slightest opposition; and raw hides had just been exempted from duty. All the articles used in the process of tanning were now free; and the tanner was able to compete with the foreign tanner in every particular. Hon. Members might speak of Belgium or the United States; there was no country in the world where there existed a larger or a cheaper choice of tanning stuff than was now to be found in this country. In 1842, total ruin was predicted to the tanning trade by those engaged in it, because an amount of duty not less than *4d.* per lb., and which varied up to 10*d*., was removed; but what was the consequence of that removal? In the first year which succeeded it, 55,000lbs. of tanned leather were introduced to this country; while in the second year there were only 30,000lbs. It was clear, therefore, that the foreign tanner, having tried competition, could not stand it any longer. But to see the case fairly, the importation of foreign raw hides should be looked at. Since 1842 that importation had increased to the extent of 2,000 cwt.; while that of tanned leather had decreased about 1,500 cwt. Under these circumstances, he considered that the article in question fairly entered into the class of exemptions from duty; because, although it might even be cut up and made into shoes, it came completely within the principle of the Tariff. He, therefore, submitted that there was no ground for the objection of the hon. and learned Member for Cork.

Mr. *Aglionby* said, it had been represented to him that the hides included in this Resolution were a manufactured article in an advanced state; and were, therefore, not within the principle recognised in the Tariff. If they were a manufactured article, he would ask, ought they to be included in the principle applied to raw material, or material in an early stage of manufacture; and if they were not a manufactured article, and were properly within the principle of the Tariff, he would ask the Government to consider whether they ought not to allow to the manufacturers some time to dispose of their stocks?

Sir *R. Peel* said, that Her Majesty's Government had shown no alacrity in yielding to the demands on the part of the holders of sugar in favour of the stocks on hand; and it was, in fact, rather the House of Commons than the Government that had yielded. He hoped, however, that the House of Commons would not adopt the same course with respect to leather. If they applied the principle to leather in this case, they had better at once proclaim the principle that Parliament could not deal with any Customs article without allowing compensation for the stocks on hand. There was a very formidable interest opposed to this proposition; and on that day he had the satisfaction of meeting a most respectable deputation from Liverpool on the subject. The deputation showed him specimens of English and Foreign tanned leather; and an inspection of those specimens at once convinced him that the English manufacturer had nothing whatever to dread from the competition of the Foreign manufacturer; for anything more superior than the English over the Foreign tanned leather he had never seen. Of all the trades which had been benefited by the removal of the duties on raw materials, none had derived greater advantage from the change than the leather manufacture. In 1843 and 1844, as compared with 1841 and 1842, the tanning trade received an advantage to the amount of 100,000*l.* by the removal of duties from articles which were used in the tanning process. The removal of the duty on raw hides, and on bark, was of great advantage to the British manufacturer. Bark might be obtained from any country under the existing system by the British manufacturers; and he had the command of a complete supply of undressed hides. On the whole, he hoped the House would not consider that the Government were exposing the domestic manufacture of leather to any injury, by proposing to permit a free importation of tanned hides. He had the strongest conviction that this country would be fully able to compete with all others in that article.

Viscount *Howick* concurred in the views expressed by the right hon. Baronet. He thought a special case had been made out with respect to sugar, which did not apply to leather, and that there was no ground whatever for asking for a drawback in this instance. He had never heard a case for protection brought forward by a gentleman who declared himself to be an advocate of free trade on less substantial grounds; and he very much regretted that Gentlemen who brought forward great questions, and maintained them upon that principle, should, the very moment that their own constituents were affected on some little trifling article, or were acted upon by a fear of foreign competition, which he believed to be altogether visionary, come forward and ask for protection. For his own part, whether it was the landed interest to which he belonged, or the interest of his constituents—whatever interest was affected—he would in all cases, and under all circumstances, support every proposal that might be made for the removal of protection; and he was sorry that Gentlemen who agreed with him in that policy should appear to be giving way to the old taunt of Mr. Huskisson—that every man in this country was for free trade except in those articles which he produced himself. He had hoped that we had got beyond that, and that the traders of the country especially would not ask for protection themselves, when they wished to take it away from others. The only way to assert the principle of free trade effectually was to show a proper consistency, and not to make these little exceptions. He agreed with the right hon. Baronet that this country would be able to compete with all other countries in tanned leather. There was a curious instance of the mischief which nations did to each other by these restrictions upon free intercourse. He found that one of the countries to which the hon. and learned Member for Cork referred as those whose competition was most to be feared—one of those countries itself imposed a protecting duty upon tanned hides. It was curious that one of the petitions which had been presented prayed the House not to agree to take off the protecting duty, because (he confessed he did not understand the force of the reasoning)—because other nations found it necessary to have protection, and the Belgian tanners had a duty of threepence per pound for their protection. So that it appeared the Belgian tanner was as much afraid of the English tanner, as the English was of the Belgian. So it was in ninety-nine cases out of a hundred; and if we would approach these questions, not in this miserable and antisocial spirit, but in a more enlarged and generous one, we should find that the industry of this country had nothing to fear from foreigners, nor that of other countries from us; but that, on the contrary, every facility that was given for mutual exchange would add to the comforts of all.

Dr. *Bowring* said, there was no article of production in which the superiority of this country was more striking than leather. There was no country in which its superiority was not recognised; and being relieved from the disadvantages under which it had heretofore laboured, there could be no doubt it would acquire an unprecedented improvement.

Mr. *Long* hoped the hon. Member for Cork would divide against the remission of the duty.

Mr. *Sergeant Murphy* declined to divide against the expressed opinion of both sides of the House.

Mr. *Long* would then press for a division.

Sir *G. Grey* said, he was glad that this discussion had taken place, as he thought it would convince those who were concerned that their interests would not be prejudiced.

The Committee divided on the Question that the words stand part of the Resolution:—Ayes 73; Noes 27: Majority 46.

List of the AYES.

Ainsworth, P.
Aldam, W.
Baillie, Col.
Baring, rt. hn. F. T.
Baring, rt. hon. W. B.
Barnard, E. G.
Bentinck, Lord G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bowring, Dr.
Bright, J.
Buller, E.
Busfeild, W.
Cardwell, E.
Clerk, rt. hon. Sir G.
Cobden, R.
Colebrooke, Sir T. E.
Collett, W. R.
Coote, Sir C. H.
Cripps, W.
Damer, hon. Col.
Entwisle, W.
Escott, B.
Ewart, W.
Forman, T. S.
Forster, M.
Gaskell, J. M.
Gibson, T. M.
Gladstone, Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hawes, B.
Hindley, C.
Howick, Visct.
Jermyn, Earl
Johnstone, Sir J.
Law, hon. C. E.
Legh, G. C.
Lockhart, W.
Lowther, hon. Col.
Marsham, Visct.
Marsland, H.
Martin, C. W.
Mitchell, T. A.
Nicholl, rt. hon. J
Norreys, Sir D. J.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, J.
Plumridge, Capt.
Polhill, F.
Pringle, A.
Scrope, G. P.
Smith, rt. hon. T.B.C.
Somerset, Lord G.
Somerville, Sir W. M.
Stewart, J.
Stuart, W. V.
Strutt, E.

Sutton, hon. H. M.
Tennent, J. E.
Thornely, T.
Tufnell, H.
Villiers, hon. C.
Ward, H. G.
Wellesley, Lord C.
Williams, W.
Wood, Col.
Wortley, hon. J. S.
Wyndham, Col. C.

TELLERS.

Baring, H.
Young, J.

List of the NOES.

Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Bankes, G.
Barrington, Visct.
Benbow, J.
Bowes, J.
Bramston, T. W.
Brocklehurst, J.
Darby, G.
Dickinson, F. H.
Douglas, Sir H.
Egerton, W. T.
Fuller, A. E.
Grimsditch, T.
Grogan, E.
James, Sir W. C.
Kemble, H.
Long, W.
Neeld, J.
Newdegate, C. N.
Palmer, R.
Pusey, P.
Tollemache, J.
Tower, C.
Tyrell, Sir J. T.

TELLERS.

O'Brien, S.
Sotheron, T. H. S.

Words agreed to.

On the Question that the word "lard" stand part of the Resolution,

Mr. *Grogan* moved that lard be omitted. The hon. Gentleman dwelt upon the injury that would be inflicted by the introduction of Foreign lard upon the poor Irish peasant whose subsistence mainly depended upon the breeding of pigs.

Sir *G. Clerk* said, that no case could be made out for the retention of the small duty upon lard. This article was acquiring additional importance from its conversion into oil, useful for application to the finest descriptions of machinery, and as that oil was produced in much greater purity in this country than as imported, it was of great importance to allow of its importation free from the 2*s.* duty. And by what had already occurred, it was proved that this could be done without injury to any class.

Mr. *Gibson* thought that when so much sympathy was expressed for the breeders of pigs, there ought to be some felt for the consumers of what came from pigs, and if there were many poor persons who kept pigs, it should be recollected that there were also many who did not. He should vote for the remission of the duty.

Mr. *Newdegate* would advise hon. Gentlemen opposite to abandon the tone in which they frequently indulged towards the agricultural classes. He could tell them that whilst such a tone did little to advance their purposes, it went far to expose those hon. Gentlemen to the disgust and reprobation of the country.

Colonel *Wyndham* intended to speak openly and plainly, and the House, he was sure, would indulge him in so doing, as it was not very often that he occupied their attention. In 1841, the manufacturing Members as he had before described them to be, were like jacks in the box, continually jumping up and down in their places, and presenting themselves to the disgust and ridicule of the country; and he was now sorry to see his agricultural friends following their example. He did not hesitate to tell the House that the agricultural interest would profit by the measures of the right hon. Baronet. When the right hon. Baronet brought these measures forward, his ultra friends on that side of the House clamoured out, "What was there for us?" He then undertook to say to them, "Gentlemen, there is nothing for you." They had a Protection Society in Bond Street, at which noblemen, gentlemen, and farmers attended, and that society issued its dictates to the minor associations in the country, and those minor associations took it upon themselves—and he considered that in so doing they took a great liberty—to dictate to Representatives of constituencies in Parliament. He himself was a staunch friend to the farmer. He was favourable to protection, nor would he abate in the least degree his zeal for the agricultural interest, which he thought should be protected; but he begged the House to understand that he was not one of those ultra gentlemen of whom he had just spoken. Could it be supposed, he would ask, that a farmer, entirely occupied as he generally was with his fields, his crops, his sheep, and his calves, could have a comprehensive view of the state of affairs, or of what was fitting to be done for the country? He would tell the House and the country that he held his opinions free and unfettered, and that he would not vote for any man, or for any measure at the dictation of any one. He had been in that House since 1841, and considered that he had done his duty as a Member of that House. [Mr. *Cobden and others:* Hear, hear.] He begged the hon. Gentlemen opposite to bear in mind that he was not now speaking to them. He had done his duty in that House, and when his constituents found fault with him for the course he had chosen to pursue, he would then be ready to put the representation once more into their hands. He begged this, however, to be distinctly understood, that never while he continued to hold a seat in that hon. House, would he suffer himself to be dictated to by the Protection Society in Bond Street, or by any agricultural society. Just let the House analyse for a moment the Bond Street Protection Society. It consisted only of a number of country gentlemen, and was also patronized by a number of Members of Parliament; it had besides many noblemen enrolled amongst its Members, and in its ranks were to be seen men of the highest rank and station in the country. Assembled in conclave in Bond Street, they issued their mandates to the minor societies in the country, my lord duke all the time pulling the strings behind the scenes; and these minor societies, under the influence of these mandates, persecuted the Representatives of the people. It struck him that these gentlemen were something like Polyphemus, with but one eye in their heads; they seemed to see nothing but their turnip fields; they seemed to see nothing in the world but their own single interests. On the subject of land he would give his decided support to the Government. He trusted the House would excuse him for having so long occupied its attention.

Lord *Arthur Lennox* would not have risen on that occasion to address the Committee, but for the statement which had been made by the hon. and gallant Gentleman who had just taken his seat. He could not discover how it was that his hon. Friend could venture again to address his constituents, one of whom he (Lord A. Lennox) had the honour to be—having in the extraordinary speech which he had just made, asserted that the farmers of Sussex knew little of any matters but their turnips and their fields, and that they were not competent to form opinions upon matters which affected the well-being of the State. He was sure that his hon. and gallant Friend in using such terms, did not mean to insult the men to whom they referred. He thought, however, that if his hon. and gallant Friend went back again to that constituency, he was not very likely to be again returned.

Mr. *Ward:* I admired, in the hon. and gallant Gentleman the Member for Sussex, the kindness of soul, the excellence of judgment, and the perfect impartiality, with which his statement was characterised. As to the tone to be taken in these discussions, I beg to tell the hon. Gentlemen opposite, that I shall adopt what tone I please, compatible with the dignity attached to a Member of the House. I said before, and I repeat it, that I felt, and do feel, that it is a perfect degradation to the agricultural interest to have the time of the House taken up with these trifling, these little pettifogging pretensions of theirs, which are always standing in the way of every public improvement. I cannot understand how hon. Gentlemen have the courage—to use no other term—to rise in their places and urge such miserable and insignificant pretensions. What is the argument of the hon. Member for Dublin (Mr. Grogan)? Put in plain terms, and it is simply Irish pigs *versus* the English people. The hon. Gentleman who brought it forward proved the immense consumption of lard in this country, and that it was shut out previous to 1841 by our improvident regulations. The increased and increasing consumption of this article in the country requires that more of it should be at the command of the consumer, and such is the purpose of the measure of the right hon. Baronet; and the hon. Member for Dublin now proposes to stand in the way of that measure. Many hon. Members, in supporting such trifling claims, do so as they aver, in accordance with letters received from their constituents upon the subject. I myself have received letters urging me to support particular claims to protection in this House. My reply to these was, that if those who dictated them wanted bread cheap they must get rid of such narrow pretensions; and such or some similar reply would I now urge some hon. Members opposite to make when they receive such instructions. I never curry favour with my constituents when I know them to be in the wrong. I believe with the hon. Gentleman opposite (Colonel Wyndham), that the agricultural classes will benefit largely by the proposed reduction of duties. I can hardly express my contempt—using that word as a Parliamentary phrase—my contempt for those who, entertaining, as they profess to do, a conviction that the measures of the Government are ruining the agriculturists, and that they are the cause of all the depression which has existed of late years in agricultural produce, come forward here, make a stand upon such little niggardly measures as they are now urging at the eleventh hour, instead of boldly advocating on the floor of this House what they are so ready to support, and so courageous in advocating, out of doors. If I thought as they do, or as they profess to do, I would insist to-morrow—and in this House, too, not down in the counties and at agricultural meetings, but openly on the floor of this House—for the repeal of the Corn Law of 1842, the repeal of the Canada Corn Bill, and, in short, for the repeal of the whole Tariff of the right hon. Baronet, of which they loudly complain everywhere but where they ought to complain of it, as having done them such irreparable injury. The little trifling proceedings and insignificant manœuvres with which they waste the time of this House only throw disgrace upon their cause, without in the least degree benefiting their interests. On this occasion their whole argument is, that we cannot permit lard to come free of duty into this country, because there is one country (the United States) which produces the article so good and so cheap, that no other country can compete with it. Now that is the very reason why we should admit it. To the peasantry of the country you cannot extend many greater boons than by extending the use of this article among them. I give my cordial assent to the Motion of the Government in reference to this article.

Sir *J. Tyrrell:* The hon. Member for Sheffield (Mr. Ward) has now, this evening, made two vituperative speeches against the agricultural interest; and the hon. Gentleman the Member for Wolverhampton (Mr. Villiers) thinks that he is on all occasions perfectly justified in imputing the basest and most interested motives to that interest. By that hon. Gentleman, and by other hon. Gentlemen beside him, the most unmeasured abuse is poured out upon us in this House night after night. I had not the honour of being present the other night to take a part in the debate introduced by the hon. Member for Stockport (Mr. Cobden). Had I been present I should have, in all probability, taken part in that debate. I thought that, at the early period of this evening, it was conceded, on all hands, that the question of principle was for the present to be sunk, and that such hon. Gentlemen as might address the House would confine themselves to the details of the measures now under consideration. But if Member after Member is to get up, and charge and insinuate the basest and most grovelling motives against the agricultural interest, I cannot and will not sit silent. The hon. and gallant Gentleman the Member for Sussex has just made a speech which was, no doubt, exceedingly amusing to hon. Gentlemen opposite, and also to many hon. Gentlemen on this side of the House. I was somewhat amused at it myself, and must confess that I should have felt the force of it much more if I had not had the pleasure of seeing some time ago the hon. and gallant Gentleman at the Freemasons'-tavern, and occupying a very conspicuous place at the table on that occasion, and apparently enjoying as much as any one present the meeting of which he formed a part. I can also, without a great stretch of memory, recollect him waiting upon the right hon. Baronet as a member of the Protection Society, at the head of which was the Duke of Buckingham. [Colonel *Wyndham:* I am not a Member now.] The hon. and gallant Gentleman was a Member, and it should be far from him to quarrel with any man for altering his opinion or dropping his connexions. I think, to say the least of it, there is some inconsistency in the position of the hon. Member for Wolverhampton. But this is not, perhaps, to be so much wondered at, considering the many examples we now have of Gentlemen—looking at any bench in this House—wishing to have their own interests protected, whilst they profess astonishmen that others should entertain a similar desire. In my researches, and [turning directly to the Ministerial Bench] I have had occasion to look into the consistency of many gentlemen—what did I find? I found to my utter surprise that the hon. Gentleman the Member for Wolverhampton, who deals so largely in abuse of the agriculturists, for participating, as he says, in the public plunder, is in possession of a seat in that sink of iniquity—the Court of Chancery, and I believe he is a pluralist, and in possession of a large salary. I take the liberty of calling upon the hon. Gentleman to tell me—upon his own principles of free trade—if that seat, which is a sinecure—["Oh, oh"] well, I imagine it is a sinecure, because the hon. Gentleman has so much time to devote to, and actually occupies so much time in advocating, the principles of the Anti-Corn Law League—were put up to auction, would it not be found, in all probability, that on the principles of free trade the business of that office, which he now holds, would be performed as well for five hundred as for a thousand pounds? I therefore deprecate the idea of his imputing base and selfish motives to any class of the community. If I am to be abused for supporting protection to certain interests, I have a perfect right to look at the conduct and position of other Gentlemen when protection comes to their own neighbourhood. The right hon. Baronet has chosen to read his manifestoes to the Protection Society, and the hon. and gallant Member for Sussex has assailed it this evening. I consider that a protection society—a society instituted for the protection of agriculture—is, in itself, the greatest libel upon Conservative legislation and upon a Conservative Government. I will go one step further. The right hon. Baronet might have occupied himself as advantageously as he has done if he had looked a little more narrowly into the speeches of the hon. Member for Stockport, in which that hon. Gentleman freely acknowledges that very large sums were being spent for the purpose of displacing an ornament of this House, the Member for South Lancashire; and the Brights and the Cobdens are then to displace the Egertons. Such is the prospect to which we, of the agricultural interest, have to look forward. But I beg pardon for this discussion.

Mr. *Villiers:* The hon. Baronet the Member for Essex, who has just sat down, says that he has listened twice to-night to vituperative attacks from an hon. Gentleman on this side of the House upon the agricultural interest. Now, I ask hon. Members present, which of them heard a single word in what had been said to-night to justify the words which the hon. Baronet has used, more especially toward myself? He says that charges have been made against him. I never imputed base motives to him, or to any interest with which he might be connected. I have stated freely and frequently what I conceive to be the pernicious effects of the law which the hon. Baronet, and hon. Gentlemen beside him, obstinately uphold. I state what I have before stated again, and the only answer I get from the hon. Baronet to my statement is, that he has poked about the Red Book to discover what place I held in the Court of Chancery. And that is your sole answer [addressing himself to the hon. Baronet] to the charge against you and your law. You must be reduced, indeed, to desperate shifts, if that is the only answer you have to give. Besides, in making your statement against me, you did not make it correctly. The place I hold is no sinecure. [Sir *John Tyrell* did not call it a sinecure.] You did not say that it was a sinecure? Then if it is not a sinecure, why should I not hold it? If you say it is a sinecure, I tell you it is not. I tell you that I am paid for the work I do; and tell you more, that you are not paid for the work you do. You come here to the House to get paid by the operation of iniquitous legislation. You come here to the House and pass laws to swell your own rents. I state these things as the effects of your law, and it is not my statement simply, but it is a statement supported by the highest authority. Your law is made —and you cannot deny it—for pecuniary objects; to support your younger children, and provide them with marriage portions. What do you do in return for all this? We pay your mortgages, and what do you give us in return? If you ask me what I do for what I receive, I can show it to you without hesitation; and I can tell you that you cannot get it done for less. You work not for what you receive; you inherit your property like many other fortunate accidents of society, never having to work for it in the least; and if you had the misfortune to lose it, your condition would be pitiable. The attack made upon me was no answer to the charge that we are aggrieved by the law to which I have alluded; and as between the hon. Baronet and myself to-night, I leave the House to decide which of us has made out the better defence.

Mr. *Stafford O'Brien:* If the question was only one of mere personality, I would not have risen on the present occasion. The hon. Gentleman the Member for Sheffield says that he can hardly express his contempt for us interfering in these matters; and he used the word, as he admitted, in a Parliamentary sense, in which he was perfectly justified. He says that he totally differs from us, and that it is unworthy of our position, as the representatives of a great interest in this country, to enter at all into questions of such details. When the articles now before the House were enumerated on the morning of Tuesday, the hon. Member for Somerset, whom a family affliction detains from the House on this occasion, said that these articles, considered as a class, were of sufficient importance to postpone the discussion of them to a future night. The right hon. Baronet acquiesced in that proposition. The question between us and you is this. You say it is desirable for us, for this country—and I do not wish to state your views unfairly—that every thing should be obtained as cheaply as possible. You consider cheapness as the great question—the only question—which should enter into our consideration, when arranging the import duties. We, on the other hand, say that besides the question of the production of or the obtaining these articles cheaply, there are other questions which arise. These questions press, with more or less importance, upon different articles; and we consider these questions superior to the question of cheapness, and consider that they have a greater weight than the money, and we have a right to stand up for the principles which we profess, and claim for them as paramount the consideration of the Legislature. I maintain that it is not fair for you to say—especially it is not fair for you to urge, in the way you do, that the question is, with us, one of mere selfishness. You may regard it as a question of grease, or divi-divi, or whatever else you choose—you may regard it as insignificant if you like—but still the question returns, have we not a right to maintain that, under certain modifications, we do not consider it desirable for the country, as a whole, to be guided in the supply of provisions and manufactures, simply and purely by the question of cheapness alone? That is my conviction; and I believe I have not stated unfairly the opinions of hon. Members on the other side of the House. They have a perfect right to do so if they like; and there are very few Members in this House who know how to do it better—to throw all enunciations of our principles into subjects of laughter and ridicule; and no one does so with happier humour or keener wit than the hon. Member for Sheffield; and no one, he was happy in being able to say, does so with less personality. The hon. Baronet the Member for Essex alluded to the hon. and gallant Member for Sussex, and said that he was a Member of the Protection Society. I believe it was of the former Protection Society that he was a Member. [Sir *John Tyrrell:* The Duke of Buckingham's Protection Society.] I think it was; and that the present is known as the Duke of Richmond's Society. I believe the hon. and gallant Member for Sussex is not a Member of the present Protection Society. The hon. and gallant Gentleman alluded to the tone which this society has adopted, and was pleased to place it on a par with the Anti-Corn Law League in this country, and with Conciliation Hall in the sister kingdom. I have not much knowledge of the proceedings of the latter, and have no personal connexion whatever with the former. I have no means either of knowing what may have passed between the Sussex Protection Society and the hon. and gallant Gentleman who so worthily represents that community. I am sure that his character is of far too manly a cast for him to permit himself to be bullied or dictated to by any set of men. All I can say is, that if I found the society in London following the system, or indulging in the habit, of attempting to set constituencies against their Members, or attempting to dictate to Members in this House, I should be the first person to abandon the society. I would do so, not merely on the ground of public virtue and principle, but from the clearest views of my own interest. It would be perfectly obvious to me, if such were the case, that the bullying and dictation would extend itself to me, as a county Member; and, therefore, however desirable it might be to use the weapon towards others, I trust I should have the prudence to see that it would very soon recoil upon myself. I trust the hon. and gallant Member for Sussex will accept of this as an explanation on behalf of the Protection Society, with which I have the honour of being connected. I have no doubt but that the hon. and gallant Gentleman's constituents will duly appreciate and properly understand what he meant when he said that the farmer had no right to judge of matters of a public character, and affecting the interests of the community. The farmers of Sussex must understand what every practical man or farmer elsewhere is able to and will understand, that, while they are permitted to form their opinions on public questions and public men, we, at the same time, in this House, cannot be dictated to, or receive implicitly every suggestion which may emanate from them, as to the best means of carrying our common principles into effect. I have nothing more to add, except that I am exceedingly sorry at the turn which this discussion has taken, inasmuch as it mixes personal matters with public questions. If I went at present into the history of the Protection Society, I might say much that might amuse, but perhaps little that would instruct. I believe that that society, under proper guidance and management, is calculated to be useful, and might be made more useful; and, while I belong to it, I will make it my endeavour to prevent it from imitating, in any degree, what I consider the dangerous practices which have been adopted by another society to which my hon. and gallant Friend has alluded. If my hon. Friend the Member for Dublin will allow me to give him advice, I will say to him, that after his very explicit statement it will not be desirable to divide the House on this question. The sense of the House has already been taken on the question, and we have a right to infer that it is adverse to his Motion.

Mr. *Cobden :* I would not have said a word on this occasion had not the hon. Gentleman who just sat down undertaken to define the tenets and the principles of the free traders. He laid it down that we desired only to attain every commodity at the cheapest possible rate. We desire to obtain the greatest possible abundance of those commodities desirable for the sustenance of the people. If by cheapness the hon. Gentleman means abundance, then are we perfectly agreed. But if he puts any other construction on the word cheapness, then we are not agreed. I ask him then—if abundance is our object—what is his? I will tell him. It is his object to produce the greatest scarcity. ["No, no."] Well, you desire to produce dearness? ["No, no."] Then let us know what it is you want. Our object is abundance — as your object is scarcity. ["No, no."] Then is your object abundance? ["Yes, yes."] Yes! Then you cannot have abundance without having cheapness. In the old phraseology of your own political prayer book, abundance and cheapness are convertible terms. There is no way of making articles dear but by making produce scanty. What do you desire but to mae certain commodities scarce, in order that you may make them dear? Does it not show the iniquity of the system which you are unconsciously supporting, that you cannot face a definition of your own principles? I candidly admit that you are very much improving in your views and in your understanding of these questions. You have learnt more during the last two months than during the two previous years. And if I formed my judgment on no other ground, I could form it by marking the change which has taken place in the demeanour of Gentlemen opposite. I allude now more particularly to the bad humour manifested this evening by the hon. Baronet the Member for Essex. Never did the hon. Baronet make so pitiful an exhibition Nothing could be in worse taste than his unprovoked, his odious attack upon the hon. Member for Wolverhampton. Nothing but the absolute consciousness of a bad and sinking cause—nothing, in fact, but a fit of desperation, such as makes a man feel that he would rather be hanged than get up to defend a bad cause, could have induced him to get up and say what he has said to-night in reference to my hon. Friend the Member for Wolverhampton. He has spoken of my hon. Friend the Member for Wolverhampton, in connexion with the county of which I am a freeholder. Sir, he has said what is perfectly true of my hon. Friend; he can be the Representative of that county, if he chooses to be so: yes, and he would, too, be elected for that county solely on the ground of his being the consistent and old advocate of those very principles which hon. Gentlemen opposite now hardly dare to oppose. As to lard, the matter about which you are now discussing, it is an article of which it can hardly be said that it is for the benefit of the manufacturing operative that it should be cheap. As far as they are concerned, they do not use it as an article of food. The people that are in my employment can afford to buy butter: there is not one of them that has not from 12*s.* to 25*s.* a week. The very lowest amongst them gets 12*s.*; and they do not resort to lard—it is not they who eat lard; no, but the people who consume lard are those who live in cottages. The only modicum of comfort they have is this—it is the utmost that can be got by your own agricultural labourers. I can prove this—I can prove it by the Report of the Commissioners of the Government. The poor agricultural labourers use it with their potatoes; they put it in the frying-pan, for the purpose of having some sort of a relish with their food. They do so because they cannot afford to buy butter, or beef, or anything else that will give a relish to their wretched food. Is it not, then, pitiable—is it not, I say, deplorable—to see here Gentlemen, the owners of large estates, anxious to press hard upon the poor—the very poor that they see about them—by keeping out of the country that which the poorest amongst the poor are desirous to have? Here, now, you are for two months before the country; and you have in that time shown to the country that you have such a bad and desperate case, that no man of intellect dares to advocate that case; because no such man likes to be identified with a case and with principles that two years hence will be but as a matter of history. You are left, then, to whom—to defend you? To the hon. Member for Essex! and who, forgetting all his discretion, and at the expense of his good taste, resorted to the desperate expedient of making a personal attack upon the hon. Member for Wolverhampton. See, then, in what a situation you are placed! Why, I shall be stopped to-morrow, at the corner of every street, by persons congratulating me upon the figure which the agricultural Members have made in this discussion. After this, they will say, there must be an end to protection. Even the Prime Minister does not like to get up and defend it, though you are "whining" and entreating him to do so. He has not a word to say for you. I told you this once before. I said it when we were in a most desperate state in Stockport, and when I asked you to take pity on the people. I tell it to you now again—you do not get a farthing by this protection to which you cling; but even if you did get, ay, even thousands a year by it, still I would not, if I were in your case, sit under the load of obloquy which you are obliged to bear for it. See the obloquy to which you are exposed by it! You would be much richer without it; but if you made much by it, I tell you that you could give me no sum of money, you could give me no bribe, which would induce me to share it with you.

Mr. *Darby* was sorry that the present discussion had taken such a turn, and he could assure the House that it was unpleasant to sit and hear the language of the hon. Member for Stockport, and of those who entertained his views. As far as he was concerned, he could assure that hon. Member that no obloquy of his would ever prevent him from discharging what he considered to be his duty to his constituents. The hon. Gentleman should not, however, lead him, on the present occasion, into a discussion on the Corn Laws; but the principle which they defended had not been recently laid down, nor had it been laid down for the first time by hon. Gentlemen on that side of the House. Their principle was the principle which had been laid down and supported by Mr. Huskisson; and though the hon. Gentleman, from his remarks, evidently thought that his intellect was superior to that of any other man, yet the House would not be induced upon his own representation to believe that his authority was greater than Mr. Huskisson. But his principle had been, that though they should have corn at the cheapest rates at which it could be produced by their native producers, yet that they should protect those native producers to such an amount as would ensure them a remunerating price, considering the different position in which they stood to that of the foreign grower. Unfortunately he must say, that when any question was not considered to be an agricultural question, it was fairly discussed by all parties in the House; but when a question merely affecting the agricultural interests was brought forward, personalities were immediately indulged in, such as the hon. Member for Stockport had implied against the agricultural Members. It had been said that they need not oppose those articles, for they were of so petty a character; but the right hon. Baronet had told them the amount of duties which had been remitted upon agricultural articles, and therefore, though each article might appear petty in itself, the aggregate of all these articles became important. Despite, therefore, of the obloquy thrown upon him by the hon. Member for Stockport, he thought it his duty to discuss these articles, and he would discuss them. The question of lard was of considerable importance. It had been said that it was a raw material, and therefore they ought not to oppose a remission of the duty upon it; but the other night they had been told that cattle was a manufactured article; and, if cattle was so, surely the lard and the hides, which formed part of the cattle, must be manufactured articles also. To the manufacturing interests lard might be regarded as a raw material; but to the agriculturists it was a manufactured article. Those who produced it were the small farmers, making a small profit by their pigs. Now, if the profit obtained by the lard were taken away, the profit remaining from the pig would be small indeed, and the small farmer would be driven from the market. He thought that his hon. Friend had only done his duty in bringing forward the Motion, and he should have great pleasure in supporting him.

Sir *R. Peel:* I regret that so much warmth has been mixed up with this discussion, and I think that much injustice has been done to my hon. Friend who provoked, or rather originated, this debate. Under what circumstances did this discussion arise? It was half-past one o'clock before we entered upon the articles of the Tariff, and it could not be expected at that late hour of the night, that we should make much progress. Indeed, I cannot help thinking that we should not have been allowed so quietly to commence the Tariff at all, and certainly not to get so far forward in it, but for the low place which happens to be occupied by cotton. Cotton happens to be placed under the letter W, and, consequently, to my great satisfaction, we were permitted at once to go into Committee and to proceed quite as fast as you, Sir, conld read the articles—and indeed, in many cases, much faster, for even your experience had not familiarised you with all the difficult words you there met with. As we approached towards wool the greater was the alacrity to proceed; but when the article "grease" came under consideration, my hon. Friends were naturally desirous to discuss the propriety of the remission. It was not likely that they would acquiesce in the vote without discussion, and I thought it quite reasonable that that and similar articles should be postponed. But I am sure there was no disposition shown on their part to stickle factiously at each article. They were naturally desirous to have a discussion upon all articles of the same character; and I think they pursued quite the wisest course in what they have done. That course has been in exact conformity with what has been used in the House of Commons. My opinion is, that there will be a great public advantage by the remission of the duty upon lard; and though the loss of revenue will, undoubtedly, be considerable, the benefit will compensate for that loss. But in the course my hon. Friends have taken, I cannot see they are justly obnoxious to any obloquy whatever. The proper principle on these points was laid down some time ago by the right hon. Gentleman the Member for Devonport. The right hon. Gentleman believed that a proposed remission of duty would affect the interests of his constituents; and he stated that he thought it due to them that a discussion should take place. The result of it was his conviction that the apprehensions of his constituents were unfounded, and he intimated that result to them. Such I believe to be the proper course—honourable to the individual and at the same time satisfactory to the constituents. If we said, upon any objection of this sort, "We really can have no discussion, we cannot hear a word," we should be much much less likely to have the acquiescence of the public to the removal of these duties. Let us have a short discussion, and that will give satisfaction to all parties. As to the present question, if I thought with my hon. Friend who brought forward the Motion, that the Irish peasant who keeps a few pigs would be seriously injured by this reduction, my satisfaction at the change would be greatly diminished; but I hope that despite the importation of foreign lard, the demand for his produce will remain unabated. I trust that the same result will follow this small change as followed the much more important alteration of 1842—that the consumers of the article will have a larger supply, but that the native producers will not be injured. But be this as it may, I see nothing at all objectionable in the course which has been pursued by my hon. Friend. If his duty to his constituents so prompt him, he will take the sense of the House upon his Motion. If not, he will be satisfied that a discussion on the point has taken place. But I regret that in that discussion any warmth has been introduced. It might have been carried on quite as well without any personality. The course, however, of my hon. Friend does not justly subject him to any obloquy whatever.

Lord *J. Russell:* I agree with the right hon. Baronet that nothing can be fairer than that the hon. Gentleman should have a discussion upon what he believes is of considerable interest to his constituents; and also I agree with him that it was impossible to make much progress in discussing the Tariff after half-past one in the morning. But with regard to this and similar articles it seems to be that the conduct of hon. Gentlemen opposite is not satisfactory. If hon. Gentlemen are bound by their duty to their constituents to discuss these questions—if that be true with regard to lard, why is it not also true with regard to other articles of agricultural produce? Why is it false with regard to others? or why should not hon Gentlemen consent to a diminution of protection—(I stop not to inquire what is protection or what is free trade)—with regard to large as well as with regard to these small commodities? I still think that there ought to be some candour to one's constituents in these matters. Undoubtedly, argument and authority are upon one side, but yet there are a great many people who say that the other is the right side. Well, then, let them fairly say so, and act up to it in all things; not merely with regard to lard or grease, but with regard to the higher and more important interests of the country. If you maintain protection, do not support those who remove it; but remember the counsel which the right hon. Gentleman gave to Mr. Handley in 1841:—

> "If you think that protection is the wisest policy, and yet support the Government, you are acting like the policeman who sees a madman in the street brandishing a sword about on all sides, and yet does not rush forward to stop him and to prevent the injury he is sure to do."

The agriculturists had two courses open to them. They ought either to say, "Protection is hopeless—we cannot obtain it —let us make the best arrangement we are able without it;" or they ought to say, "In our opinion protection is the best policy—we held by it when you were out of office, we will still hold by it when you are in office." Either one or other of these courses you ought in consistency to take; but do not, if you are merciful to your constituents, pretend to cling to protection, and yet allow the question to be given up in debate and to slip away from you inch by inch.

Mr. *Gladstone* said, whatever might be the advice which the noble Lord addressed to those numerous Members of the House who were charged with the duty of especially supporting agriculture, they would not fail to remember that a great and important system of national policy was often rendered ridiculous by its constant application to petty details. In opposition to the noble Lord, the substance and meaning of whose speech was, "If you want to continue the Corn Laws, why do you vote for a duty of 2*s.* per cwt. on lard?" he would advise the friends of agriculture to stake the great question of protection on no such issue. It might be good advice for the noble Lord to give, but it would be bad advice for them to take. For what was the value of the question about which they were now contending? The present amount of duty upon lard was 2*s.* per cwt., and the value of lard per cwt. was 50*s.* So the duty about to be removed was a duty of 4 per cent. on the value. But then it might be said that if the duty were so light, why should it be removed? and he confessed that, looking at lard merely as an article of food, there would not be any justification for the removal of the duty. For, if they professed to be dealing with the laws which affected the importation of food, and they left untouched the duty upon cheese, butter, and other articles—but proposed to remit the duty of 2*s.* per cwt. on lard, such a proposition would be ridiculous. But, looking at it as an article of trade—as a raw material of grease—lard became an important article. It could never be for the interest of agriculture to nibble at any such petty articles as lard was, if regarded as an article of human food; but for the purpose of the present vote he looked upon lard in quite a different character. It then became a question of setting free the raw materials of industry. As a raw material for the manufactures of the country, they had heard how great was its importance. In relation to oil, its importance could scarcely be overrated. The wise principle of setting oil free altogether was one of the main objects of the present Tariff. This was most important, because oil was used not in one trade, but it was employed in many diversified purposes. It had been calculated that olive oil was used to the value of 600,000*l.* in the preparation of woollen cloths alone. Then, it would be admitted to be a great object to get all oils free from duty, but there was a difficulty in getting those oils which were best suited to machinery. There had already been felt a great difficulty in getting sperm oil, and there was every chance of yet higher prices. Now, no article was a better substitute for sperm oil than the oil made from lard. It was true that they got lard oil from America; but he understood that the lard oil of America was not manufactured with that degree of purity which was necessary, and that the lard oil made in England was much more suitable to machinery than any other article whatever. But there was another important branch of trade in which lard oil would be much used. He alluded to the manufacture of soap. He would not go over all the purposes to which soap might be made available; but there could be no doubt that it was most valuable as a raw material, and that it was most important to introduce it, quite apart from its being an article of food. As an article of food, the duty of 2*s.* could have little effect; but the remission even of a duty so small, would have a great effect upon the extensive dealings of trade. He denied the position of his hon. Friend, that the lard imported would be substituted for that now produced at home. But the question which he wished to press upon the House was, whether they would establish a new trade which would confer a very great benefit upon all classes of the community, and with little or no injury to any?

Sir *W. James* would only detain the Committee whilst he made one remark, in answer to a question of the hon. Member for Stockport, which he was unwilling should go forth to the country without a reply. The hon. Member had stated that the object which his party had in view was abundance, and he had asked what was the object of hon. Members on that side. Their object, he begged to say, was abundance, with security for its continuance.

Mr. *Grogan* replied. He had studiously avoided any remark which could have given rise to a personal discussion; but after the vote to which the House had already come, he should not feel justified in pressing his Motion to a division.

The word Lard was ordered to stand part of the Resolution.

On the article Rosin,

Sir *W. James* said, that though it was somewhat dangerous for any Member now to get up and support protection to any existing interest, he yet felt bound to lay the case of the dealers in rosin before the House. The three places from which rosin and turpentine spirit were obtained were—America, France, and this country. Rosin was the residuum of turpentine spirit, and it was a commercial article of considerable importance. The average price in this country was 4*s.* 6*d.* per cwt.; whilst in America, where they got the raw article so easily, it was only 1*s.* 6*d.* There was now a duty of 2*s.* per cwt., which would make the price of the American rosin 3*s.* 6*d.*, but the average price was 4*s.* 6*d.*; and yet a proposal was made to remit the present duty. The right hon. Gentleman would by such remission crush this branch of industry. A large capital was invested in it; extensive and expensive warehouses had been established; and was it fair at once to withdraw all protection? All he would ask was, that they should proceed with moderation. Let them reduce the duty by one-half; and if they found a greater reduction necessary, then let the other shilling go also. If the Chancellor of the Exchequer could show any reasons for the proposed remission, he would not divide the House; but if he could not, he would certainly do so. The hon. Baronet concluded by moving the omission of the word Rosin from the Resolution.

Sir G. *Clerk* referred to the former reductions of duty, under which no injury had happened, and contended that there was no cause for alarm in the total abolition of the present duty.

Mr. *Gladstone* said, that the trade to which this article applied had increased about 50 per cent. by the reductions which had already been carried out.

Sir *W. James* said, that as his Amendment received no support, he would not press it.

The word Rosin ordered to stand part of the Resolution.

On the Silk Thrown, not Dyed,

Mr. *T. Egerton* said, that the abolition of this duty would seriously injure the county he represented. Nothing could be more serious than diverting the course of trade; great reductions had been from time to time made in the duties on silk, and now the reduction of 1*s.* would give a bounty to foreign manufacturers. It was also very impolitic to remove this protection immediately after the restriction on the hours of labour recently imposed by the Factory Act. He believed that the reduction would do no good to the manufacturer, for it was only 2 or 3 per cent; but even if it were a benefit to the manufacturer, what right had they to sacrifice a trade which was giving employment to 40,000 people? For this reduction would almost, if not entirely, destroy the throwster trade of this country. He earnestly recommended the Government to retain this duty.

Sir *G. Clerk* said, that no question had been brought more frequently before Parliament than that of the silk throwsters, though they had been always told that a reduction of duty would cause the ruin of the trade; and yet they found that since the reduction of duty the proportion of Foreign thrown silk introduced into this country, in reference to raw silk, had not increased, but had rather diminished. The introduction of improvements in machinery might not make the use of Italian thrown silk so necessary as it now was, but the manufacturers still desired it for some kinds of warps. The proportion of silk thrown in this country was much larger than it was. Twenty years ago out of 1,000,000lbs. of silk there were not 80,000lbs. thrown in this country, and now more than 9-10ths of all the silk imported was thrown here. To enable the manufacturers to make certain descriptions of silk, they must be allowed to import what was to them the raw materials; but to show that there would be no great injury to our throwsters he might state, that the expense of silk throwing at Lyons was as great, if not greater, than in this country. The quantity of silk coming from China and from our possessions in the East was yearly increasing; and he believed that in giving greater facilities to the manufacturers they were not only conferring a benefit on them, but were taking the most effectual means of extending and improving the manufacture of silk in this country.

Mr. *Grimsditch* believed that the importation of thrown silk into this country was greater than the right hon. Gentleman had stated. He complained of the injury done to the trade by former changes in the duty. When the last reduction was made, he formed part of a deputation to the Board of Trade, and had then understood it to be admitted that the 1*s.* duty was not exactly what it ought to be, and that the subject should be considered; and now the whole duty was to be taken off, and there was to be no protection whatever. He felt it his duty to protest against the proposed alteration, as having a tendency to depress the condition of the silk throwsters.

Mr. *Strutt* was anxious to say a few words, as the Representative of a town (Derby) where the silk manufacture was carried on. The noble Lord the Member for Sunderland observed, that it was melancholy to see those who were, in the abstract, friends of free trade, become with respect to matters affecting their own interests immediately advocates of protection. He hoped, in his own case, to show an instance to the contrary. He would draw the attention of the House to a memorial which proceeded from his own constituents. In that memorial they stated that, though the abolition of the duty on thrown silk might be injurious to them in a pecuniary point of view, yet, as they were fully satisfied of the justice of free trade and the blessings it would confer on the country, they were willing to bear any loss which the removal of that duty might cause to fall on them. They were of opinion that private interest should not be allowed to interfere with the public good, and therefore they were not opposed to the abolition of the duty in question; and they moreover stated that they were desirous that all duties levied for protection, either with respect to trade or agriculture, should be immediately abolished. He would not add one word to that memorial, except to say, that it was signed by a majority of the silk throwsters of Derby, and to express his hope that the noble example set by them would be followed by other protected interests.

Mr. *Bankes* said, the hon. Member who had just sat down had undoubtedly given an instance of a Representative voting avowedly against the interests of his constituents. [" Oh, oh!"] Yes, against the interests of a particular body of his constituents, on account of a public principle. [Mr. *Strutt:* No, no.] He understood the hon. Member to have taken credit for placing himself in that predicament. [" No, no."] Then if that were not the fact let the hon. Member explain his own meaning. According as he understood the hon. Member, he voted against the wishes of a particular class. [" No, no."] Well, with the wishes, but against the interests of those the hon. Member represented. Now he thought he better discharged his duty by voting in accordance with the interests of those he represented. The right hon. the Vice President of the Board of Trade stated in the outset of his observations to the House, and rather in a tone of triumph, that the prophecies made from time to time of ruin to particular branches of manufacture in consequence of reductions in the rate of duty had been falsified. He could name one spot, at least, where those prophecies had been fulfilled. [" Name."] At Chard two branches of the silk manufacture were carried on before the alteration in the duty. The higher branch of that manufacture was carried on in the factory, and the lower, but not less beneficial, was carried on at home by the wives and children of the agricultural population. At one period the benefits of this manufacture extended over a circle of twenty miles of that country; but it was now very limited in extent, being confined to a single factory; and he was told that if any further reduction of duty took place that factory could not be carried on. A short time back the hon. Member for Stockport asked, " What do the agricultural Members ask for?" They asked for employment for the people, and this was what they (the free traders) were, by various schemes, depriving them of from time to time. The hon. Member for Montrose had expressed his surprise that in the county he represented, there were no manufactories carried on. What was the reason? They had lost their manufactories, not because they were less industrious or less sensible of their advantages, but because steam power had superseded water power. Those who now taunted them with the loss of their manufactures, and the insufficiency of employment and wages for their women and children, were the cause of all this. On the Continent, a positive bounty was given on throwing silk. The argument addressed to the House with respect to the thrown silk of Lyons did not at all affect the question. It was to the Italian thrown silk that objection was made. It was argued that that silk was necessary for the very finest descriptions of manufacture. Some of the manufacturers denied that; but admitting it to be true, as it was only the richest class who used those descriptions of manufacture, they were able to pay this trifling difference of duty, and therefore there should be no remission. In the neighbouring county to the one he represented, the evils arising from the reduction of duty were still more striking. A large factory, which had been been put in complete order before the last alteration of the duties, at an expense of 20,000*l.*, was not now worth so many hundreds. What he objected to was, that as this alteration was only an experiment, it ought not to be adopted when, in the vale of Somersetshire alone, it would throw 400 or 500 women and children out of employment.

Sir *R. Peel:* I deeply regret that the inhabitants of any district of this country, who have enjoyed comparative prosperity, should be either suddenly or gradually reduced to depression—that a branch of industry which had employed many persons should cease to be productive, and that those who were employed in that branch of industry should cease to derive subsistence from it. But my hon. Friend should bear in mind what he had said, and with perfect truth, that the reason why we lost our manufactures in Dorsetshire is because steam-power has been introduced, and the steam engine produces the fabric at a less cost than the water power. And, therefore, it is not from any want of industry or exertion that our trade is diminished, but because in Manchester and other great towns capital is more abundant, and mechanical skill more perfect. But that will be the case whether we reduce the duty or not. That competition will continue, and whatever we may do, my hon. Friend's constituency will still have this formidable competition opposed to them. But if, by reducing the duties on thrown silk, we stimulate manufactures generally, and enable the people of Manchester, where capital and skill abound, to compete with foreigners, do not let us throw away these advantages on account of this partial failure, which is not attributable to the introduction of the foreign article, but to the competition with larger capital and greater skill. But my hon. Friend says, that trade has been languishing in Dorsetshire since the last reduction of the duty. Now, it is impossible to decide on the policy of any commercial measure on account of its operation in any limited district of the country. You can only judge of it by a comprehensive view of the imports and exports of the general trade. In the year 1844, after the reduction of duty made in 1842, the quantity of raw silk brought into this country to be thrown, and duty paid, was not less than 4,303,000 lbs. Now, there never was so large a quantity of silk brought into this country for the purpose of providing employment for manufacturers here since the year 1836, a year of great and inconsiderate speculation, which had the effect of depressing the markets for some time afterwards. If particular districts in the rural parts of England have been declining in prosperity, still my hon. Friend cannot contest this, that in the last year a greater quantity of the raw material has been imported, and duty paid on it, for the purpose of manufacture than in the preceding year. Deduct the quantity of foreign thrown from the total quantity, and there still remains a greater quantity of raw silk to be thrown in this country than was thrown before, although the quantity imported last year exceeded that of the former year. If the quantity of raw silk imported, to be thrown in this country, exceeds the quantity imported in former years, then the quantity of thrown silk from abroad may increase, and yet that may be no conclusive proof that our domestic manufacture in thrown silk has not been more prosperous. Now, the introduction of raw silk, for the purpose of being thrown, since 1836, was as follows:—In 1837, 3,400,000lbs.; in 1838, 3,700,000lbs.; in 1839, 3,500,000lbs.; in 1840, 4,000,000 lbs.; in 1841, 3,438,000lbs.; in 1842, 4,400,000lbs.; in 1843, 3,318,000lbs.; in 1844, 4,300,000lbs. This showed how idle were the fears of those who predicted ruin to the silk trade from the reduction of the duty. Look, too, at that manufacture for a series of years. Just take the ten years from 1814 to 1823; that is, a period before the reduction of the duties, when you had all the advantage of this protection. In the ten years which elapsed from 1814 to 1823, the quantity of raw silk imported from abroad was 15,214,000lbs., and the quantity of thrown silk was 3,608,000lbs. In the ten years that elapsed from 1835 to 1844 inclusive—that is, since the reduction of protection—the quantity of raw silk brought into this country increased from 15,214,000lbs. in the former ten years, to 37,924,000lbs. in the last ten years. And what was the case as to thrown silk? In the former period the quantity of thrown silk was 3,608,000lbs., and in the latter ten years only 2,900,000lbs. That is a conclusive proof that since the diminution of protection in 1824, the importation of raw silk has increased, and the quantity of thrown silk diminished. And, therefore, I do hope that the apprehensions entertained in respect to the present diminution will be found to be without any foundation. I am sure I should as deeply regret any disappointment of these hopes as the hon. Member for Cheshire, or the hon. Member for Macclesfield; but I must entreat them to bear in mind that the local suffering of some districts is not caused by foreign imports, but by the increased prosperity of other districts. The hon. Gentleman shakes his head; can he deny that Spitalfields has been affected by the application of machinery to silk manufactures? And does he not see in that instance that an increase of machinery has been productive of an amount of local suffering perfectly unconnected with imports? The question to be entertained is, how long does the House intend to maintain high duties on manufactures? If you intend those duties to be permanent, it may be wise to make no alteration in them; but if you contemplate that a period must come when high protecting duties on manufactured silk must be considered with a view to their removal, is it not wise to make preparation for that period, by giving our manufacturers finer articles of goods, and thus giving them an opportunity of entering into that competition with foreigners which, I believe, at not a very remote period must take place.

Mr. *Labouchere* said, that there was no article of manufacture as to which predictions of ruin from reduction of duties had been so completely falsified as in the case of silk. He believed that the changes now proposed, which met with his support, would be equally beneficial to those engaged in manufactures with the previous ones. As the right hon. Gentleman had referred to the subject of a general revision of the silk duties, he could not but express his regret that that great question had not been proposed simultaneously with the present changes. The state of the silk duties was such as to cry aloud for revision. An alteration could not but be beneficial to the Revenue itself; for now all the advantage was reaped by the smuggler, to whom some of the duties offered a premium of 50 per cent., although nominally of only 15 per cent. A change in the duties could not but benefit the manufacturer. There was now the less reason why they should not be revised, because those commercial negotiations with France which were assigned by the right hon. Baronet, in 1842, as a reason for not revising them, had ceased.

Mr. *Brocklehurst* was prepared to show that silk throwing in this country had been stationary since 1824. Of his own knowledge two or three of the largest silk mills in Manchester had been turned into cotton mills, in consequence of the alteration of the duties. The right hon. Baronet said the improvements in machinery had prevented thrown silk from coming in; but that was not the fact. By repealing the duty on thrown silk, we should encourage the throwing of silk abroad, to the discouragement of our home manufacture. He, so far as he was personally concerned, had never complained to a Government Board in his life. If they gave him notice of what they were going to do, he would be able to take care of himself. However, under the circumstances, he could not consent to the remission of duty now proposed.

Mr. *Hume* had, during the past year, visited various establishments in France and Belgium, and likewise the establishment of his hon. Friend (Mr. Brocklehurst), which was most perfect. He was surprised, therefore, that his hon. Friend should express any alarm at the proposed change of duty. With respect to the south of England, the alterations that had taken place had arisen from causes which no Government could control. He thought that the present proposition was calculated to benefit the community; and, as such, he should support it. Nothing could be more advantageous to the English weaver than to give him his materials on the same terms as the weaver in other countries, and he did not fear the effect of competition. The proposed reduction of duty, so far from tending to lessen employment, must have quite an opposite effect. He thought, at the same time, that the Government ought to have removed the duty from manufactured silks altogether. By doing that they would have prevented the smuggling that now existed. It was well known that every day in the year goods that ought to be valued at 100*l.* passed, as far as the duty was concerned, for 10*l.*, whereby the Revenue was defrauded, and the fair trader was unable to meet the competition. He feared that his hon. Friend, being a throwster, was biassed by his profits against the interests of the general manufacturer.

Mr. *W. Williams* said, that foreign countries were making great strides in manufactures; and unless this country was placed upon an equality with those countries with whom they were entering into competition, he was quite convinced that distress of the most appalling character would visit almost every department of our manufactures. Place his constituents on an equality with regard to the price of provisions with the artisans of other countries, and they would not want protection. Their industry was equal, ay, superior to the industry of any people; but, having to pay half their wages in taxation and for the support of the aristocracy, they could not compete with foreigners. The Government should reduce the taxes not only on bread but on other articles which were equally essential for the comforts of life. A great consumption of waste silk was no proof of national prosperity, that article being nothing but rubbish, scarcely worth 9*d.* per pound. He expressed a hope that Her Majesty's Government would pause before they took into consideration the recommendation of the hon. Member for Montrose to abolish the duty upon manufactured silk, by which trade, according to the statement of the hon. Member for Whitehaven, 800,000 persons obtained their livelihood. He was a free trader, but not one of those who would take away the bread of 800,000 of his fellow-countrymen, women, and children, and give it to foreigners, for the sake of carrying out any particular scheme.

Mr. *Entwisle* said, that when he heard that the duty was to be taken off thrown silk he communicated with his constituents on the subject; and their answer was, "Give us free trade, and we care nothing about the removal of this duty." That scintillation of a "great fact" in his neighbourhood was a significant hint to him. At the same time, he could not understand how the hon. Member for Stockport should be continually in the habit of offering seats in that House to Gentlemen who were ready to support the object of the great fact; but perhaps he would hereafter be called upon to explain that matter. He (Mr. Entwisle) should vote in accordance with the answer he had received from his constituents.

The Committee divided on the Question that the words "silk thrown, not dyed," stand part of the Resolution:—Ayes 86; Noes 25: Majority 61.

List of the Noes.

Ainsworth, P.
Baillie, Col.
Baring, rt. hon. F. T.
Baring, rt. hon. W. B.
Beckett, W.
Boldero, H. G.
Botfield, B.
Bowles, Adm.
Bowring, Dr.
Bright, J.
Brotherton, J.
Bruce, Lord E.
Bruce, C. L. C.
Buller, E.
Cardwell, E.
Childers, J. W.
Clay, Sir W.
Clerk, rt. hn. Sir G.
Cockburn, rt.hn.Sir G.
Copeland, Ald.
Cripps, W.
Dodd, G.
Duncan, G.
Duncombe, hon. A.
Egerton, Lord F.
Entwisle, W.

Escott, B.
Ewart, W.
Flower, Sir J.
Forman, T. S.
Forster, M.
Gaskell, J. Milnes
Gibson, T. M.
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Hamilton, W. J.
Hastie, A.
Hawes, B.
Herbert, rt. hon. S.
Hindley, C.
Hope, G. W.
Hume, J.
Humphery, Ald.
Hutt, W.
Ingestre, Visct.
Jermyn, Earl
Jocelyn, Visct.
Labouchere, rt. hn. H.
Lincoln, Earl of
Lowther, Sir J. H.
McGeachy, F. A.
McNeill, D.
Marsham, Visct.
Masterman, J.
Mildmay, H. St. J.
Mitchell, T. A.
Morris, D.
Nicholl, rt. hn. J.
Patten, J. W.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, J.
Plumridge, Capt.
Ponsonby, hn. C.F.A.
Pringle, A.
Pusey, P.
Russell, Lord J.
Russell, Lord E.
Smith, rt.hon.T. B.C.
Smythe, hon. G.
Somerset, Lord G.
Strutt, E.
Sutton, hon. H. M.
Tennent, J. E.
Thornely, T.
Trotter, J.
Tuffnell, H.
Warburton, H.
Ward, H. G.
Wellesley, Lord C.
Wood, Col.
Wortley, hn. J. S.
Yorke, H. R.

TELLERS.
Young, J.
Lennox, Lord A.

List of the NOES.

Allix, J. P.
Antrobus, E.
Bankes, G.
Barrington, Visct.
Bramston, T. W.
Broadley, H.
Brocklehurst, J.
Darby, G.
Dickinson, F. H.
Eaton, R. J.
Fuller, A. E.
Grimston, Visct.
Henley, J. W.
Legh, G. C.
Lockhart, W.
Mundy, E. M.
Newdegate, C. N.
O'Brien, A. S.
Palmer, R.
Palmer, G.
Repton, G. W. J.
Ryder, hon. G. D.
Sibthorp, Col.
Sotheron, T. H. S.
Tollemache, J.
Tower, C.

TELLERS.
Egerton, T.
Grimsditch, T.

The words ordered to stand part of the Resolution.

On the article of " Tares" being read,

Mr. *Darby* did not know any thing that tended more to the improvement of agriculture than the growing of tares; he should therefore be sorry that anything should be done to check the system of growing tares.

Sir *Robert Peel* said, that in order to remove any apprehension as to the effect of reducing the duty on tares, he would just state that when the duty on tares was 10*s*. a quarter, there were 31,781 quarters of tares imported; but when the duty was reduced to 5*s*. the importation in 1843 was only 15,000 quarters, and in 1844, 19,000 quarters.

The word " tares" was ordered to stand part of the Resolution, which was finally agreed to. It was then

" *Resolved*—That in lieu of the Duties of Customs now chargeable on the articles undermentioned, imported into the United Kingdom, the following Duties shall be charged, viz.—

Essential Oil of Cloves, 3*s*. the lb.

On the Resolution,—

" That from and after the expiration of Excise Duties on British Glass, and until the 10th day of October 1846, the following Duties of Customs be charged on the articles undermentioned, imported into the United Kingdom in lieu of the Duties nowchargeable thereon.

Glass, viz. :—	*s.*	*d.*
Any kind of Window Glass, white or stained of one colour only, not exceeding one-ninth of an inch in thickness, and Shades and Cylinders, the cwt. - -	14	0
All Glass exceeding one-ninth of an inch in thickness, all silvered or polished Glass of whatever thickness, however small each pane, plate, or sheet, superficial measure, viz. :—		
Not containing more than 9 square feet, the square foot -	1	0
Containing more than 9 square feet, and not more than 14 square feet, the square foot - -	2	0
Containing more than 14square feet, and not more than 36 square feet, the square foot - -	2	6
Containing more than 36square feet, the square foot - -	3	0
Glass, painted or otherwise ornamented, the superficial foot -	3	0
All White Flint Glass Bottles, not cut, engraved, or otherwise ornamented, and Beads and Bugles of Glass, the lb. - -	0	2
Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented, the lb. - -	0	4
All Flint Cut Glass, Flint, Coloured Glass, and Fancy Ornamental Glass, of whatever kind, the lb. - -	0	8
Bottles of Glass covered with Wicker (not being Flint or Cut Glass), or of green or common Glass, the cwt. - -	3	0
Glass Manufactures not otherwise enumerated or described, and old broken Glass, fit only to be re-manufactured, the cwt. -	14	0

That from and after the 10th day of October 1846, until the 5th day of April 1848, there be charged on the said article one half of the said Duties, and from and after the 5th day of April 1848 one fourth part of the said Duties."

Mr. *Hawes* said, that the bottle dealers could by law obtain the drawback of duty by exporting their bottles; and he did not see, therefore, the object of the Chancellor of the Exchequer in refusing to grant them the drawback on the remission of the duty. It would only compel them to export, and would be injurious to the Revenue.

The *Chancellor of the Exchequer* said, it was very desirable that a definite answer should be given, because if parties chose to export their bottles within a limited period they had the power to do so. He had considered the claims of different parties, and did not think it possible to grant this request. It would lead to a similar claim from wine merchants and others having large stocks of bottles.

Mr. *Masterman* thought the bottle dealers had a claim on the justice of the Government for a drawback.

Mr. *Hawes* was surprised at the answer of the Chancellor of the Exchequer. Wine merchants could not by possibility export their bottles, as it involved the export of the wine.

Resolution agreed to. House resumed.

Instructions to the Gentlemen appointed to bring in the Customs' Duties Bill, to make provision therein pursuant to these Resolutions.

House adjourned at a quarter past one o'clock.

HOUSE OF COMMONS,

Thursday, March 20, 1845.

MINUTES.] BILLS. *Public.* — 1°· Customs (Import Duties).

3°· and passed:—Railway Clauses Consolidation (Scotland); Lands Clauses Consolidation (Scotland).

Private. — 1°· Keynham Drainage; Dundee and Perth Railway; Dundee Waterworks; Belfast Improvement; Middlesex County Rate; North British Insurance Company; Forth and Clyde Navigation and Union Canal Junction (No. 2); Manchester, Sheffield, and Midland Junction Railway; Hungerford and Lambeth Suspension Foot Bridge; Midland Railway Branches; Aberdeen Railway.

Reported.—Thames Navigation Debt.

PETITIONS PRESENTED. By Lord Ashley, from Members of the Church of England of Leamington Priors, for Arranging Differences (Church of England).—By Mr. Shaw, from Clare, and 3 other places, for Encouragement to Church Education Society.—By Mr. Wyse, from Province of Munster, for Establishing Provincial Colleges.—By Colonel T. Wood, from Staines, for better Observance of the Sabbath.—By Lord Ashley, from Queen Camel (Somerset), and by Colonel Wyndham, from Petworth, against the Grant to Maynooth.—By Mr. Hawes, from Newcastle-upon-Tyne Anti-Slavery Society, Coalbrookdale, and St. Austell, against the Importation of Hill Coolies into Colonies.—By Lord Ashley, from Stockport, Rochdale, Preston, and Oldham, by Sir R. H. Inglis, from Manchester, and by Mr. E. Turner, from Bolton, in favour of Calico Print Works Bill.—By Sir John Guest, from several places in the county of Glamorgan, in favour of County Courts Bill (1844).—By Lord Ashley, from Herne Bay, for Alteration of Law relating to Promiscuous Intercourse.—By Lord Ashley, Mr. Brotherton, Mr. Tatton Egerton, Sir George Grey, Sir John Guest, Sir Samuel Spry, and Colonel Trevor, from a great number of places, for Diminishing the number of Public Houses.—By Mr. Brotherton, from Proprietors of Chesterfield Canal Navigation, for Regulating Railway Charges.—By the Lord Advocate, from Argyleshire, and Ayr, for Ameliorating the Condition of Schoolmasters (Scotland).

BURIAL IN TOWNS.] Mr. *Dennistoun* wished to know whether it was the intention of the Government to support a measure for preventing burial in towns. He knew that many parties who were anxious to establish cemeteries, had been deterred from doing so in consequence of the uncertainty as to the course which the Government intended to take. He begged to ask the right hon. Baronet (Sir James Graham) whether he thought, by any measure which the Government might support, it would be permitted to establish a cemetary within the Parliamentary boundaries of Glasgow?

Sir *James Graham* was not aware of the precise nature of the provisions of the Bill which his hon. Friend the Member for Lymington (Mr. Mackinnon) intended to introduce. He had, however, already stated to the House that, after having given the subject the most anxious consideration, he was not prepared to introduce any measure to prevent the practice of interment in cities. With respect to the question which had been put by the hon. Gentleman as to whether it would be permitted to bury within the Parliamentary boundaries of the City of Glasgow, he could only say that, if he recollected rightly, those boundaries included the whole of the suburban grounds around Glasgow; and to prohibit the erection of cemeteries within such boundaries appeared to him to be most unreasonable.

RAILWAYS.] Mr. *Morrison* rose to move the Resolutions respecting Railways, of which he had given notice. No one, he observed, who had at all attended to what was at present passing upon this subject, both within and without the House, could fail of being satisfied that the railway system had taken deep root in this country, with a probability at no distant period of becoming universal. Indeed, considering the advantages which railway locomotion possessed over other means of conveyance, it would soon become, not merely desirable, but absolutely a necessity. It was not necessary for him to enter into the great advantages offered to the community by the railway system. Indeed, in a country like this, in a high stage of civilization, railroads were almost as necessary to our social, as air and water were to our physical existence. And what had as yet been done was but small in comparison to what might still be effected, when men of science devoted themselves to the improvement and development of the means of locomotion now coming into use. He need not dwell upon the advantages railroad travelling opened up to the man of fortune travelling for his pleasure. To the manufacturer it was of the last importance, as giving him the opportunity of communicating rapidly with the persons who purchased from him, and of transmitting the articles he produced at a comparatively small cost. Indeed to him the system was equivalent to the application of some new improvement in machinery, diminishing to a great extent the cost of production. Again, there was, perhaps, no class who would probably reap greater benefit from railway conveyance than farmers. One of the great reasons why agriculture was so backward in some districts, compared to its condition in others, would be found in the want of opportunity enjoyed by the farmer of personal observation in those more improved districts, from whence he might draw a useful lesson to guide his operations at home. He hoped that the farmers of the West of England would soon be enabled, at a small cost, to make excursions to Norfolk and Lincolnshire, to observe and profit by the superior methods of cultivation in use in these counties. It was obvious that the labourer could hardly be expected to reap great advantages from railroads unless the fares were regulated on an exceedingly moderate scale. He trusted, however, that the means of communication would become so cheap and easy that the labourer would be enabled to leave parts of the country where wages were low, and proceed to those where wages were either permanently higher, or where a greater temporary demand existed for labour. The means of transport, too, offered by railways for articles of general consumption, was an important point in the case. As an instance of the manner in which the facilities offered by a railway increased traffic of this kind, he would read a statement relative to the employment of railway carriage for the conveyance of fish for the consumption of Manchester. He found it stated that—

> "Until recently very little fish has been used in Manchester by any of the labouring classes except the Catholics; the more regular consumption was limited to the higher and the middle classes; the quantity was small, and the price was high. It was observed by Captain Laws, R.N., the manager of the Leeds railway, that the fishery on the east coast was languishing, from the low state of demand for their fish, though their 'catch' was good. The railway directors had followed the example of all carriers, and deeming fish a luxury which must be taken, had charged high prices for the transit. The captain, however, succeeded in getting them to reduce their charges; he got the fishermen on the coast to sell all the fish they took at one regular fixed price, whether the catch was great or small; he got a stand opened at Manchester, at which the best cod fish was retailed at from 1½*d.* to 2*d.* per lb. The general price had been previously from 8*d.* to 1*s.* per lb; on occasions of great plenty it was sold at 4*d.*, its lowest price. It never then got beyond the middle classes, and was not used by them very frequently. At 1½*d.* and 2*d.* per lb. it got to artizans and persons of the labouring class. The reduction brought the commodity within the means and inclination of so large a class of customers as to raise a demand that has kept a head of the supply. Before the arrangement was made, the quantity of fish sent from the east coast by railway was only three tons and a half per week; but within the last year it has risen to eighty tons per week. The whole answered extremely well as a commercial speculation to the fishermen on the coast, to the railway directors, and the salesmen; and it has led to the habitual use of fish by large numbers of persons who rarely tasted it before. The example has brought in increased and cheap supplies from other quarters, and made a market from whence they have been distributed into the adjacent districts."

The landed interest, however, would be benefited more, perhaps, than any other by the universality and cheapness of railroads. Not only would coal and lime, and other heavy articles, be easily transported from place to place, but agriculture would have a new means of improvement opened up to it, in the obtainment of cheap and expeditious means for the conveyance from place to place, not only of manures, but of those particular components of soils, the admixture of which would fertilise and improve the condition and the heart of land. The application of steam as a means of locomotion was rapidly absorbing all other systems of communication. Coaches and waggons had not only been superseded, but canals would probably also share the same fate. Already some canals had been deprived of almost all their traffic; and it seemed probable that the whole system of canals would soon only be employed as auxiliary to that of railroads. It would be observed, too, that the cost of forming railways was greatly diminished now, in comparison to what at an earlier period of the system it had been; and, instead of meeting with the general opposition of the landowners, as was once the case in its earlier days, the system had now their general support. This was important. The cost, too, of working, as well as the cost of construction, had much diminished. The expense of attending to and keeping in repair the banks, &c. of a railroad, was in a like manner undergoing a gradual diminution. For example, they were told by the Board of Trade that in the west of England railroads could now be made at an expense of from 10,000*l.* to 12,000*l.* per mile, whereas the construction of the Great Western line was known to have involved an expense exceeding 50,000*l.* a mile. The cost of working locomotive power appeared, from the Board of Trade Report to be about 1*s.* 4½*d.* per mile; and he had reason to believe that the whole cost of running a train did not exceed 2*s.* per mile. But not only had the cost of constructing and working railways diminished, but the probable income arising from them, as well as the probable expenses, could be calculated with much more certainty than formerly. Indeed, he could state that, as a mercantile speculation, nothing was more certain than a railway. Its results could be counted on with far greater security than could those of a speculation in banking, or indeed in almost any other branch of commerce. It was always the case, that in dealing with great numbers—with high figures—a safe average could be readily struck. Under all these circumstances he thought that the time was coming when the entire question of railway communication, and the restrictions which it was desirable to place upon it, should be opened up; and he wished specially to call the attention of the right hon. Baronet at the head of the Government to the question. It was not a subject which, treated as a mere matter of detail, should be left to inferior Boards, but which should be viewed as a great matter of State policy. Considering the position of this country—its great wealth its dense population—its varied interest all blended together—considering also the cost of iron and the perfection of machinery, it would appear that we ought to have not only the best but the cheapest railways; whereas, in fact—and were nothing more effectual to be done in the matter than had yet been accomplished—we had and would continue to have, the very dearest. Let them look to continental lines, and see the rate of charges enforced there. He would not take the Belgian lines, because the Government was concerned in working them. They conveyed passengers at the rate of ½*d.*, ¾*d.*, and 1*d.* per mile per head, and yielded a fair profit — a profit indeed which he believed could be still further increased were Government not to make the working of the lines a matter of patronage. Looking, however, to this country, taking its population and its wealth, he believed that for railway purposes it was the most densely populated country in the world. That was, there were more of the population out of a given number who had the means and the inclination for travelling by railroad than in any other country. Such being the case, they had certainly every reason for insisting that the fares in England should be as cheap, or nearly so, as upon any continental line. Let them then take the case of the Orleans railway. The French had taken advantage of our experience, and also of our blunders, and he thought that we might very advantageously take some hints in return from them. The Orleans railway was established after the line to Rouen; but it was generally understood that its tariff of charges would be the model upon which the rates payable to future French railways would be estimated. The fares upon that line were calculated at the rate of ¾*d.*, 1*d.*, and 1½*d.* per head per mile. Now he thought at the very highest estimate 1*d.*, 1½*d.* and 2*d.*, would afford fair remunerating profits upon lines in this country. The system upon which they had hitherto acted in fixing railway tolls had been found quite impracticable. When the railway system was first introduced, it was an experiment of which the public generally had little knowledge, and of which the results were very doubtful. So little, indeed, was the system understood in its origin, that the original rates of toll were fixed upon the supposition that railway proprietors would be proprietors of the road only, and that persons using it would pay merely for the means of transit, as upon canals. It was well known now that that had not been the case. Railway proprietors were almost universally not only the owners of the line, but the carriers upon it. Still, strange as it might seem, the Legislature had continued, in every railway Bill, down to the last Bill of the last Session, to repeat these lists of tolls, although in no single instance were they enforced. Some hon. Gentleman, too, three or four years ago, moved that railroads should be obliged to stick up at every station a table of these tolls. The Motion was carried, and he believed that the table in question was regularly exhibited, although it was well known that the rates of tolls it showed were practically completely inoperative. The right hon. Gentleman the late President of the Board of Trade appeared to have felt strongly last year that it was necessary that something should be done in this respect; but he had unfortunately entered into his Committee apparently with the vain hope of being able to bring about some arrangement with the old companies before beginning to legislate for the new. It was, however, evident that the success of such an attempt was impossible in the then existing range of prices of old line shares. It was obvious that no board of directors would have consented to such terms (and if they had, no proprietary body would have sanctioned them in it) as those which the right hon. Gentleman, having the interests of the public in view, could feel himself justified in offering to them. He fully appreciated, however, the advantages which had been effected by last year's Bill, particularly that of causing companies to run cheap third-class trains at 1*d.* per mile, and he was happy to observe that by this means, not only were the number of passengers augmented, but the revenues of the companies were increased. By the report of the Grand Junction Company, it appeared that upon their line, the increase of passengers had been 308 per cent., and of revenue 76 per cent. It was deserving of notice, too, that producing these results, the new arrangement had not had the effect which was anticipated would arise from it, of decreasing the number of second-class passengers, their number having, indeed, a little increased, and the only falling off having been a trifling diminution in the number of first-class passengers. While upon this part of the subject, he might be permitted to remark, that he could see no reason why—extending the principle which had been sanctioned last Session—railway companies should not be compelled to run two cheap trains up and down their lines per day, and these two ordinary trains, with other description of carriages, not especially slow trains. He did not approve of the system which kept poor passengers upon the road for fifteen hours, when the journey could be performed in five. By the present system the Companies were put to the expense of separate trains, and the third-class passengers to the inconvenience of a much greater loss of time upon the railroad than was necessary. With respect to the power of revision granted by the Act of last Session, its operation was rendered quite nugatory by the insertion of what was called the 10 per cent. Clause which had been introduced into it. That the right hon. Gentleman the late President of the Board of Trade should have suffered that clause to be introduced, really surprised him, knowing as he did from ample experience that it would be quite unable to attain the object it aimed at accomplishing. Let the House recollect the multitude of ways which existed of eluding this clause. A company might spend a vast deal of money in unnecessary repairs or in expenses of management; or the intentions of Government might be set at defiance, and the surplus divided among the proprietors in the shape of new shares. The clause was indeed a perfect bounty upon bad management. He now came to the question of amalgamation. They had seen to what an extent it had been already carried. Now, whether this was a bad or a good thing, it was clear that it was one which could not be prevented. He was disposed to think that its advantages outweighed its disadvantages; but it, at the same time, had furnished the strongest possible reasons for the necessity of limitations and restrictions more stringent than have yet been applied being enforced with respect to new railways, otherwise the whole country would be in the hands of a few railway proprietors, and at their mercy. Indeed, by the amalgamation of lines it seemed not improbable that railway directors would come to be invested with patronage and power greater than was enjoyed by almost any other body of individuals. Their ramifications would extend to every town in England, and they would command there, for political or other purposes, the services of many of the most active of the inhabitants. The plan he proposed would, in some measure, tend to check the growth of these evils. It might be said, however, that his Resolution came too late—that all the principal lines had been already finished. This, however, was not the case. A great number of most important trunk lines had yet to be constructed. The Eastern Counties were still unprovided with a trunk line. There was no trunk line to Dover; for the railroad running there could hardly be called a Kentish line. There was no trunk line to Exeter; true, the Great Western furnished a trunk line to Bristol, but no further. The Report of the Board of Trade upon the Western Railways stated that a trunk line from London to Exeter would diminish the distance by railroad between it and London by upwards of twenty miles. This was an important point, as the comparative shortness of a competing line was now considered a great element in its favour. Then, again, there was no trunk line to Manchester, placing London in direct communication with the great northern manufacturing districts. It would be seen, therefore, that several of the most important lines of railroad still remained to be executed. Now the Resolutions which he intended to propose to the House, would, he believed, have the effect of checking, if not of absolutely preventing, some of the evils which he had alluded to. It was on all hands admitted that some limitation was necessary. He proposed that in all instances the Railway Committee to sit upon the scheme, should determine the rate of tariff according to the particular circumstances of each case. All the evidence relating to the cost of construction and of working — the estimates of traffic and of expense, would be in their hands, and with all these sources of information open to them, he believed that they would be able to form a very accurate judgment of what would constitute a remunerating rate of fares and charges. In many, if not in most cases, a scale ranging from one-half to two-thirds of the presently charged rates would, he contended, be amply sufficient. Not that he meant to complain of the too high scale of the fares charged by the old lines; when they were constructed the whole system was an experiment. It was now reduced almost to a matter of certainty; and a means of speculation as safe, if not more so, than any other commercial venture for making money. He saw no reason why a profit of 10 per cent., as allowed by the Act of last year, should be required to encourage people to lay out their money upon railroads. He did not see why a dividend of 7 per cent. should not have been considered amply sufficient. Let them look to what was doing upon the Continent. There, their rates of profit were still further limited; but no difficulty in raising money was experienced—indeed English capital was flowing abundantly abroad; and surely the same persons who invested their money in Foreign railroads, where the tariff of charges was fixed so low, would not hesitate about laying it out in railroad schemes at home. One of the pernicious consequences of the last year's Railway Bill had been the great excitement and reckless speculation which it had undoubtedly caused in the share market. People were apt to consider the 10 per cent. clause as a sort of guarantee for their deriving profit to that amount. The gambling and speculation in question, however, the Resolutions which he would propose would tend to repress. The policy chalked out in them would secure to the public also the important advantage of participating as soon as possible in the benefit of any improvement which might be effected in railway locomotion. At present the cost of constructing, working, and keeping in repair lines might be indefinitely lessened without the public gaining anything by the improvement. Whether railways were constructed at the expense of 20,000*l.*, 30,000*l.*, or 50,000*l.* per mile, much the same scale of fares was adopted. Now it was obvious that the rate at which fares became remunerative depended upon the original cost and ordinary outlay. In every other way in which capital was laid out, a decrease in the necessary expenses of a scheme produced an immediate beneficial result to parties consuming the produce of the speculation. An improvement of a process in the iron, or of the machinery in the cotton trade, was productive of an immediate beneficial effect to the public. Why should not similar causes produce similar effects with reference to railroads? Every opportunity should be taken of reducing the fares, consistently, of course, with the legitimate interests of the proprietors. The old lines of railway, indeed, would find — although they possessed at present undisturbed possession of their traffic—that the only way of permanently securing their monopoly was the reduction of their charges to so low a degree as to make it not worth while for any Company to start an opposition to them. That was the true commercial priciple to go upon, and it was what they must come to at last. It was most important, however, that they should embrace the present opportunity of doing something to hasten this consummation, as if they let it pass, the rapid construction of new lines would very much narrow the field of operation hereafter. The subject of the Railway Department of the Board of Trade would come on for consideration by and by; but he could not help remarking upon one or two points apparent in their Reports. In the first place they seemed to entertain an extraordinary and unnecessary dread of insolvent companies. This notion seemed perfectly to have haunted the minds of the Board, and somehow or other they always appeared to mix up insolvency with cheapness; for of the cheap lines they had an especial dread. Under these impressions they generally recommended that new lines should be entrusted to old companies, because, as it was alleged, the prior existence of these companies was a guarantee for the execution of the lines. He could not agree with this line of argument. A certain portion of the capital of projected lines was obliged to be paid up, and only a certain time was given to their projectors to complete them; and this was done in order to give the public security that the works would be carried duly out as projected. If the system had not been found to work satisfactorily, why not modify it? If the amount required to be paid up was too small, why not increase it? If the time allowed was too long, why not shorten it? Looking to the enormous railway system which he saw growing up around him, he did feel most strongly the necessity of reasonable restrictions upon the power of companies. He felt, if nothing were done in the matter, that they were creating a power over which they had not that control which such a power demanded. Hon. Members should bear in mind, that the railroad superseded all old means of conveyance. Every one of these, while they existed, was under strict control; but this, which was to absorb all, was placed under no control. The safeguard of competition was here in a great measure lost. And this consideration opened up another view of the matter, not without its importance. They had been lately struggling against monopolies; ever since he had come into Parliament, and, indeed, long before—the question of monopoly had been the subject of the most keen discussion — the most powerful attack. At the present moment it seemed generally to be admitted that, at all events, monopolies should not be allowed to increase. Their evils had been made manifest—their impolicy exposed. Yet what was the House doing now? While combating old monopolies they were rearing a new monopoly — a monopoly which would be more formidable, more injurious than any of its predecessors. No matter how inveterate might appear the hostility of contending companies—no matter how fiercely they might combat with each other before Committees or in that House—yet, where there existed a common interest, there would soon be found a common understanding, and that understanding would of course alone regard the interests of the parties privy to it. Their own gain was, of course, their great object; and the consequences likely to arise to the public and the country from their being allowed to carry out unchecked all their objects—to establish unhindered the whole fabric of their power—were such as to make it most advisable that some measures of restraint should be adopted. The hon. Gentleman concluded by proposing the following Resolutions:—

1. "That it is the duty of Parliament, in giving its sanction to the establishment of new Railways, to render them the means of affording to the public the best and safest communication, and the greatest possible amount of accommodation at the lowest possible rates:

2. "That the clauses heretofore introduced into Railway Bills to limit the amount of tolls to be demanded for the use of the Railway, having proved practically inoperative, it is expedient to make more effectual provision against the undue enhancement of the cost of travelling and transportation in every future Railway Bill, by fixing the highest rates which the Railway Company shall be allowed to charge for the conveyance of passengers and goods:

"3. That for this purpose every Committee on a Railway Bill, introduced in the present or any future Session of Parliament, shall report a Table of Fees and Charges, the lowest which they shall judge to be consistent, under the circumstances of each case, with a fair and reasonable return for the capital to be invested:

"4. And that every Committee to which two or more competing projects for new Railways may be referred, shall require the promoters of each to put in statements as to the rates of charge for the conveyance of passengers and goods to which they are content to be limited, and the amount of accommodation which they will bind themselves to provide for the public at those rates; and that, in determining on the comparative merits of competing schemes, regard shall be had to the extent and nature of the advantages which can be thus reserved to the public from each.'

Mr. *Warburton* said, that perceiving the then state of the House, he was not disposed to address it at any length in seconding the Resolutions of his hon. Friend. He had chiefly been induced to do so in consequence of having looked over some of the Reports of the Board of Trade on certain railway speculations. Formerly he was much disposed to consider that it would be most for the public interest to let them look to a fair competition between parties wishing to establish railways; but since he had read the Reports from the Railway Department of the Board of Trade, he could not conceal from himself that which could not but give satisfaction to the established railway companies. It was notorious that it was a matter of general satisfaction to the old railway companies, that these Reports were founded on what were termed Conservative principles, and it was well known that this expression was current among the directors and proprietors of the old railroads. In the case of the London and York line they had an illustration of what he had alluded to. That was a line which had received the support of nearly all the landed proprietors along it, and its projectors were men of undoubted capital; and the Board of Trade, to his perfect horror, had given an opinion and divided upon a question as to whether or not capitalists were going to lay out their money profitably. Was anything of the kind ever heard of before? Did they ever interpose in cases of turnpike roads when started against each other? For instance, there were turnpike roads on each bank of the Avon for ten miles, between Bath and Bristol; but no one ever objected, before, gentlemen having invested their capital in forming a turnpike road on one side, that others had come forward to make a road parallel to it on the opposite side of the river, and that on the ground that they were making an unprofitable investment of capital. Then who were the Members of this Department of the Board of Trade? At the head of it was a noble Lord holding office under the Government; and any opinion coming from such a quarter carried more authority than was fitting or reasonable for their Reports to bear. He did not know on what principle this Department was founded; but from reading the Reports which had come out from time to time, it was clear that there was a decided tendency on the part of the Gentlemen constituting that Board to throw the extension of railroads completely into the hands of the existing companies. On this ground he feared that a railroad monopoly was likely to be created; and this not merely by means of the Reports, but also by the strong disposition which had been manifested by the railroad companies—to adopt the expression of his hon. Friend—to amalgamate with each other. He believed that nearly all the line from Newcastle to Bristol was about to be leased to the same party. It was therefore essential that Parliament should come forward and interpose some check for the security of the public. Why had they not the same security as regards the public interests in the railroads of this country as existed in foreign countries? Even on turnpike roads, when they granted an Act for its formation, they always enacted the maximum tolls; but there was no such protection for the public in the case of these railroad companies. He believed that it would make little or no difference in the value of the shares in these companies, if the Legislature gave them only a lease for a term of years—even for ninety-nine years, if they pleased, instead of a right in perpetuity. It was a matter of apprehension to him, if the railroads fell into the possession of a few hands, that the Government might engross them as a matter of revenue. If the Government were to engross the conveyance of all the passengers and goods throughout the country, that they would take only as a matter of revenue, and, as in the case of the Post Office, impose on it a profit of 1,200 per cent. The fewer the hands into which these railroads fell the more probable was it that some future Government, in its distress for money, would convert these railroads into a source of public revenue.

Lord *G. Somerset* said, it was not his intention to go at any length into the various topics which the hon. Member had touched upon in the present discussion. He had mentioned a great variety of facts, and had called their attention to a vast variety of considerations; few of which were connected with the subject then before the House. The Resolutions in no way affected the consideration of railroad companies as to the manner in which they should employ their capital; nor did they in any way lay the ground for deviating from the general principle which had influenced the House in the consideration of these matters. He was not prepared to deny that hitherto they had proceeded upon somewhat erroneous principles as regarded the laying down charges upon railroads. It was notorious that when they first laid down the maximum of the toll to be charged upon railroads, Parliament was under the belief that in so doing they were protecting the interests of the public. He was far from denying that the result of that might have been to a certain extent to induce the Companies on certain railroads to impose higher rates for the conveyance of goods and passengers than was actually requisite to ensure them a fair return for their capital. On the other hand, he could not help suspecting that for the future those charges would be very much regulated upon the same general principle as all charges made by public and private individuals pretending to furnish the public with what they required. It appeared also to him that the greater the number of railroads constructed the greater would be the competition. It did not follow that the only lines which could be considered competing were those which started and ended at the same termini. There were many persons, a great portion, in fact, of the public, who thought much more of cheapness than rapidity; there were many who would be willing to go round a considerable distance to save money; and, therefore, in fact, lines which did not altogether compete would have a great influence upon those on which high charges were made. He would take as an illustration the railways to Worcester. There there would be a direct competition by two railways which were diametrically opposed to each other in all matters of that sort—namely, the London and Birmingham and the Great Western lines; and the charges upon the conveyance of goods and passengers would be very much regulated on each line from London to Worcester by the charges which would be made for the conveyance of goods and passengers on the other line. With regard to the propositions of the hon. Member, he was not prepared to say that they suggested any great advantage over the present system. By the Consolidation Bills which had passed the House there was to be a table of the charges included in the Bill; but he confessed he did not see his way by fixing a maximum toll to effect any positive check upon high charges upon these lines. He feared, on the contrary, that if they compelled the companies to lay down a maximum charge, that that would be a high one, and that thus there would be an encouragement to the new lines of railway to keep up their prices. He still maintained that the only chance of relieving the public from too high a scale of charges would be the interest of the companies themselves. If they once adopted the plan of accepting the offers and biddings of these companies, and regulating the decisions of the House by their respective charges and the cheapness with which they proposed to convey the public, he very much feared that not only would the accommodation be much worse, but that there would be a great liability of danger to the public. With regard to the form of the hon. Gentleman's Motion, the House must consider how far the present Standing Orders of the House would enable him to effect the object in view. They must, in order to accomplish the hon. Gentleman's views, abolish the existing and introduce new Standing Orders; and supposing they passed these Resolutions as they at present stood, they would be of no effect to-morrow. The Committee would not be bound by them, and would pay no regard to them unless there was some arrangement to compel them to attend to these Resolutions. It was admitted on all hands that their early legislation on the subject had been ineffectual, partly from the difficulty of understanding the subject, and the want of specific information; and they were not in all cases even then able to come to a proper estimate of what the charges ought to be. In the first place, the cost of construction of the line had nothing whatever to do with the charges which ought to be imposed, which were regulated in a greater measure by the permanent charges on the line. The cost of the construction would be an ingredient in the minds of capitalists in deciding whether they would subscribe; but it was a different question what charges should be imposed upon the public. They were to consider how many hundreds of thousands of passengers, and how many tons of goods, and what quantity of produce was to pass along the line. Now, he presumed the proposition of the hon. Member was, that these companies should not be allowed to charge more than would be a fair remuneration for their capital. But even if they obtained that return they would not be much further advanced, as the amount of the probable traffic varied very much, and was sometimes twice the amount of the original calculation. The evidence given, therefore, before a Committee would not be a fair criterion of the traffic. Railroads which carried many hundreds or many thousands of passengers would, of course, be able to carry them much cheaper than those which carried a smaller number of passengers, supposing the gradients to be the same. No doubt there were various other circumstances, such as the cost of fuel, which would vary the charges. He was not hostile to the proposition of the hon. Member; but he much feared that it would be only giving an illusory protection to the public by saying that such should be the maximum charge for the conveyance of passengers and goods. Now, with regard to the carrying out of the hon. Gentleman's proposition, he believed he might say that all the Railroad Bills of the present Session would contain clauses in accordance with the propositions of the hon. Gentleman. Whether that would be useful or not remained yet to be seen; but they proposed to carry out the principle of laying down what should be the maximum toll for the conveyance of goods and passengers, including the charge for locomotives and all other charges whatever. No doubt if these clauses were introduced it would effect the object of the hon. Gentleman. With regard to the leasing of railroads it was true that the power of leasing from one company to another had been given and had received the sanction of the House; and he certainly did not think that the power of leasing by one company to another operated injuriously or detrimentally to the interests of the public. It enabled companies to obtain the management of railroads which otherwise would never have been contructed. Was it not much better that the line between London and Exeter should be under one management than that they should have one company running to Bristol, another to Exeter, and a third to Plymouth? People were now able to travel in five hours from London to Exeter, having a fair time allowed for stopping on the way. If that line had been under the management of two companies it would have been impossible to have effected that object. By that means the public had been materially benefited. He would suggest, therefore, to the hon. Member to withdraw his Resolutions, and he would give him every assistance he could in forwarding his views by framing a Standing Order to carry them into effect.

Viscount *Howick* said, it was evident that if the noble Lord was not prepared to concur in the adoption of these Resolutions, he agreed substantially with the hon. Member for Inverness as to the importance of the objects he sought to accomplish. If it were really believed that these Resolutions would not effect those objects, at least to a considerable extent, it would be proper to withdraw them; but he hoped, that if they were withdrawn, the Government would give the subject their earliest consideration, and would, before the Railway Bills of the present Session went into Committee, lay down authoritatively some general rules for the guidance of the Committees. He considered that the necessity for such general rules was clearly demonstrable. The noble Lord concurred with his hon. Friend in the opinion that the existing rules as to the maximum of tolls were altogether nugatory, and he admitted also that the rate of charge ought to be limited. The noble Lord doubted, however—and he agreed with the noble Lord on that point—whether such limitation would accomplish all that was desired. During the last few years they had gained considerable experience as to the working of railways, and they knew that both passengers and goods could be conveyed at infinitely lower charges than had hitherto been adopted by any companies. They knew, also, that without the interference of Parliament, railway companies would not afford the public the benefit of that cheapness with which locomotion could be effected; for, though a reduction of fares was always followed by a great increase in the number of passengers, and a proportionate reduction of the expenses of conveyance, it often happened that such a step, at least in the first instance, produced some small diminution in the receipts of companies; and the consequence was, that directors and general meetings of proprietors did not regard with much favour propositions for an extensive reduction of fares. The great railway lines had now been in operation for many years; and some of the companies—the Great Western and the London and Birmingham, for instance—charged fares altogether unreasonable, considering the circumstances in which they were placed. Judging from past experience, therefore, they could not calculate on a just and proper reduction of fares without legislative interference. If in the new Railway Bills they imposed a low table of fares, he believed that of necessity they would bring down at no distant period the fares of the existing companies; for the new lines, even when they appeared to diverge very widely from existing lines, were to a certain extent in competition with them. If a new line to York was granted, the table of fares being limited, the London and Birmingham and Midland Counties Companies would be compelled to adopt a somewhat analogous rate of charges. He had no doubt that if the rate of fares was limited, the companies would in many cases even go below the limitation imposed by Parliament; for in France, where a low table of fares was established by law, the companies had frequently adopted a scale of fares below the limited amount. It was found by experience that if you had not a rather high rate of fares, so as to make a small number of passengers remunerative, the best policy was to adopt very low fares, calculating upon very extensive traffic. There was one point in the Resolutions before the House, to which great importance was justly attached, as regarded the legislation of the present year. It was proposed by the last of those Resolutions, that Committees to which competing projects were referred should require the parties interested in those projects to deliver to them statements of their proposed tables of fares and charges, and of the nature of the accommodation they would bind themselves to provide at such charges, and that in deciding on the comparative merits of competing schemes, regard should be had to the advantages thus offered to the public. The noble Lord had truly said, that it would be most injudicious to put railways up to public auction, and to knock them down unreservedly to those parties who offered to adopt the lowest rate of fares; but it appeared to him that the Resolutions of his hon. Friend would not sanction such a course. That hon. Gentleman did not recommend that they should give the lines to companies proposing the lowest rate of fares, but that such propositions should form an essential element in influencing the decisions of Committees; and he trusted that before the railway schemes now projected were sent before Committees, the right hon. Baronet would adopt some regulation on this subject. As it seemed probable that the House would not come to any positive determination on this question to-night, he would not attempt to discuss the subject; but he regretted that some effectual measures had not been adopted earlier to secure the objects pointed out in these Resolutions. He could not help thinking that they had made a great mistake, which would be attended with serious consequences to the country, although no party in that House was fairly responsible for it, because when railways were originally projected, it was impossible to foresee the extent to which the system would be carried. He considered that one point mentioned by his hon. Friend, deserved their serious attention. In France it was provided, that after the lapse of a given time, the whole property in the railway lines should revert to the State. The inducements to construct railways would, in his opinion, be much the same whether the property was vested in the companies for ever or for a term of ninety-nine years; and it certainly would be an immense advantage to the public if, at the expiration of a given time (and he mentioned the ordinary periods of a building lease), the full and entire property in these lines was to revert to the public. Posterity had been charged with an immense burden in the shape of debt; and it would be some set-off if it was provided that after the lapse of a certain time, property of this valuable description should revert to the State. Whether or not it was now too late to adopt that principle, he was not prepared to say; but he was convinced that in the first instance it might have been adopted with perfect ease and fairness. It might seem hard that new railway companies should be constituted on less favourable terms than their predecessors; but he much doubted whether that consideration should prevent them from introducing a condition so much to the public advantage. They had now arrived at a great crisis of railway legislation; an important duty now devolved upon the House and on the Government; and before the Bills for projected railways were committed, he thought the Government ought to take some means—he would not venture to prescribe what they should be—to secure more important advantages to the public.

Sir *R. Peel* said, this was a subject which the more it was considered was seen to be surrounded with the greater difficulties. On the one hand, it was impossible not to feel that competition in the case of railways did not give that perfect security as to charges which was afforded by competition generally in other undertakings. In the case of stage coaches and of post horses, an effectual check was given to high charges by competition; for, if one innkeeper charged 2*s.* a mile for a pair of horses, and another 1*s.* 6*d.*, the latter would be most likely to secure the patronage of the public. But, in the case of railways, a long period must elapse before any check in the form of competition could be brought into operation; for, if a railway company now established, and having a monopoly, adopted exorbitant charges, a long preparatory system of concert and consideration was necessary before a competitor could enter the lists. A company must be formed; subscriptions must be obtained; then there was great uncertainty as to the grant of a Bill by Parliament; and before a Bill could be passed, the monopolizing company might have reduced its charges, and the necessity of competition would consequently be materially diminished. He agreed with the noble Lord the Member for Sunderland, that it was difficult to overrate the importance of this subject. There was no doubt that it was of great advantage to increase the facilities of communication, and diminish the charges of locomotion. He did not look merely at the pecuniary saving to be effected, but he could not conceive a greater political advantage—anything more likely to improve the social character and habits of the people, than the extension of the means of intercourse between different parts of the country. He would make no reference to any individual railway schemes; but he thought they ought to look forward to the result of mechanical improvements as applied to those schemes, and they might depend upon it—speaking of ultimate results—that the shortest nes would be preferred. The tendency of the improvements which were almost daily introduced, was decidedly in favour of the shortest lines. He had expressed this opinion in the year 1839. They had chosen to establish a railroad between Liverpool, Manchester, and London, and it was thought desirable that the line should go round by Birmingham. It was said, "Include Birmingham by all means in your line between Liverpool and London; it is useless to take a shorter line through a country much less productive." He then ventured to predict that the people of Liverpool and of Manchester would not be sent round ten or twelve miles out of the direct line in their journey to the metropolis. The House acted upon a different principle; and 175,000*l.* was spent in promoting and contesting a Bill which was to go ten miles round; while now, in 1845, we have found that the shortest line is the best. Birmingham is quite content to have it so; and Liverpool and Manchester, after an enormous capital has been spent for absolutely nothing, or worse than thrown away—for though he would not wish to undervalue the legal profession, he thought to spend 150,000*l.* in defeating a Bill which was to be carried five years afterwards, was money worse than thrown away. Now, in order to save a distance of nine miles between Liverpool and Manchester, this new line, making a cut from Rugby to Stafford, was about to be established with universal consent. This ought, in his opinion, to be a lesson to the House. He did not wish to refer to any particular line of railway; but speaking generally, and contemplating ultimate results, he was certain that when they were establishing communications between different parts of this country, and between Scotland and Ireland and this metropolis, whatever course they might now take, many years would not elapse before the shortest lines would be preferred. It must be understood, however, that he did not mean the shortest line merely in respect of distance. He thought there was too great a tendency to adopt the shortest lines, without reference to gradients. Though, in recent instances, unfavourable gradients had been overcome by the construction of new engines, he doubted whether there was not an unprofitable expenditure of power in such cases—whether the mechanical power of locomotive engines was not materially interfered with by unfavourable gradients; and whether the exertions made to diminish the gradients, and to run as nearly as possible upon a level, would not be amply repaid. He was alluding, not to the shortest lines merely with regard to distance, but to the shortest lines in point of time. Though the question of controlling the charges of railway companies was one of great importance, it was encompassed with numerous difficulties. Suppose that two companies undertook competing lines, and that one of them said, "We will afford the public most ample accommodation; our carriages for every class of passengers shall be most convenient; and our third-class carriages shall be constructed with a view to the health and comfort of the poor who travel by them; but in order to do this we must make certain charges." Then suppose another company said, "We will undertake the line at a lower rate of charges;" surely it was not fair to assume that a decided preference should be given to the latter? They ought not to disregard altogether the advantages held out by the former. But all the check that was to be imposed was a pecuniary check. How were they to provide against imperfect vigilance, ill-conducted establishments, inconvenient carriages, and disregard of the public comfort and accommodation? He did not see how this check could be made perfectly effective in these respects. It was difficult to say what was the proper check; and to reconcile the difficulties by which the question was encompassed. It must be remembered, that it was necessary to hold out inducements which would lead men of capital to embark in such undertakings as railway schemes. It was very well to say, "Look at the profits of the London and Birmingham, and Great Western Railway Companies—are they not extravagant?" Hon. Gentlemen must recollect the risk of those persons who invested money in these speculations; they must remember how uncertain was the return upon the millions invested in the London and Birmingham Railway, and what must have been the consequences to the shareholders had that undertaking proved a failure. Mr. M'Culloch, writing in 1834, said,—

> "It is true that the railway between Liverpool and Manchester has answered; but the circumstances of that railway are so peculiar, that it is no criterion of the probable success of other railways."

That eminent man, writing only ten years ago, expressed his belief that profitable lines of railway communication could not be established to any great extent. Yet the proprietors of the railways he had mentioned, when the result of the speculation was so uncertain, committed themselves to the extent of 6,000,000*l.*; and was it to be said now, when railroads could be conducted at so much less expense, that 4 per cent. was enough to remunerate them for their enterprise; while, had the capital they embarked been lost, the country would have made them no compensation? The noble Lord (Lord Howick) seemed to think that if a maximum rate of charge were prescribed in the case of new railways, the old companies would be induced to adopt a similar scale of fares; but of that he was by no means certain. It might happen, that on a railway where only ten trains were now run daily, it might become necessary in a year or two to run twenty; and, while the public called for this increased accommodation, would they provide by an inflexible rule that, under no circumstances, should the company charge more than a certain amount of fares? He wished that the influence and authority of the Government could be clearly exerted for the purpose of insuring a good principle of action; but the more he considered the subject the more was he convinced of its difficultie . In order to achieve a temporary object — in order to reduce the extravagant charges—it was now proposed to act upon a principle with regard to railways which hon. Gentlemen who suggested it would hesitate to apply to ordinary commercial legislation. They did not say to the dealer in ordinary commodities, "Such is the maximum charge you ought to make for your goods." The present case might be rather special; but he doubted whether it was so special as to justify them in departing from the rule applied n other cases. He thought that it would not be desirable to lay down any general rule for the conduct of the Committees; but he trusted, as their number was limited, that each would feel that it had a public duty to discharge, and that each would do its best to further the public interest. He did not know how the Government could interfere, except by the expression of a hope that the Committees would do all in their power for the benefit of the community. He did not wish to notice the Resolutions in detail; but he trusted that the hon. Gentleman opposite, after the discussion that had taken place, would consent either that the previous question should be moved, or to withdraw his Motion. In the first place, he thought it was very unwise for the House to agree hastily to any Resolution laying down what it was "the duty" of Parliament to do. Then, as to the "maximum charge," he had already stated his reasons for not hurrying on to a conclusion as regarded that paragraph of the Resolution; at any rate, he was sure that before the House sanctioned the principle of establishing a maximum of charge, the subject ought to undergo a much fuller consideration than it had received in the course of that discussion.

Mr. *J. E. Denison* said, that the right hon. Baronet in an early part of the Session had stated that the Reports of the Board of Trade were by no means intended to be final. He was of opinion that when a Report was issued by the Board, the grounds upon which it was founded should be discussed in that House before such Report was sent to the Committees, as a guide to them in the decision they should come to.

Mr. *Stuart Wortley* did not exactly see how the suggestion of his hon. Friend who had just sat down—though he agreed that great inconvenience had arisen from the present arrangement—could be carried out. He did trust, however, that the Committee would not consider the decisions of the Board of Trade final; though an opinion, he believed, had gone abroad, amounting almost to a belief, that their decisions were to be regarded in that light. He was ready to concede to the Board of Trade every credit for the manner in which they had conducted the business which had been intrusted to them; but, notwithstanding, he should be very sorry to have it assumed that their Reports were final decisions, when they were, in fact, merely preliminary inquiries entered into with the view of assisting the Committees; and he did hope that the Committees appointed by that House would be sensible that with themselves still rested the responsibility of sifting the merits of every scheme brought before them; and that they would express their opinions freely and independently, both as to the merits of the schemes, and of the suggestions of the Board of Trade. With regard to limiting the charges on railways, he must admit that that part of the question was full of difficulties; but that was no reason for abandoning all attempts to overcome it. Originally he believed that Parliament had intended to have applied some limitation of the description proposed; and though it had failed hitherto, he did not know but that the principle would be consistent with the practice of Parliament, and advantageous to the public. He hoped if his noble Friend (Lord G. Somerset) could see any means of meeting the proposition, that he would not fail to act upon it.

Sir *G. Grey* was of opinion that the best plan that could be adopted was that which the House had acted upon lately—viz., to establish as competent a tribunal as possible for the examination of the details of a Bill, and to discourage as much as possible any appeal from that tribunal to that House; but there were certain principles which must come before Committees in the course of the Session, in the consideration of Railway Bills, which, though it was difficult to determine how they should be disposed of, were, he thought, worthy of the consideration of the House. It would be extremely unadvisable, and it would be a blot in our railway legislation, if there were to be a great want of uniformity in the Bills and in the decisions of the Committees. Let them look at some of the principles which the Committees would have to decide upon. First, there was that great and important principle which had occupied a prominent place in the Reports of the Board of Trade—the principle of "competition," to which also the right hon. Gentleman had referred. Were the Railway Committees to act upon the principle that competition was undesirable, or were they to trust to competition for the purpose of securing to the public the benefits which might be supposed to arise from it? Then, again, there was the subject of "gradients," which had been also referred to by the right hon. Baronet. Let the House look at the Report of the Board of Trade upon the West Yorkshire Railway. They entered there very fully into the subject, and took exactly an opposite view to that which the right hon. Baronet had taken of it. They justified their preference of a line which had worse gradients than another that was before them, by saying that the improved power of locomotive engines now was such, that it was not worth the while of Companies to incur a great expense in looking for good gradients and good curves. That Report would go before a Committee of five Gentlemen, and would naturally have a great influence with them. These were subjects which he thought it was desirable that the House should determine on. With reference to the principle which had been introduced in the Resolution of his hon. Friend, he would say, that Parliament had from the first proposed to limit the charges on railways; but that it had been attempted in a way that was perfectly illusory. He repeated, that Parliament having originally felt that monopolies might be created by railway companies, did attempt to guard against them, but that in that attempt Parliament had utterly failed. He quite agreed with the right hon. Gentleman that the country was greatly indebted to those companies and gentlemen who had originally risked their capital upon railway schemes, and who had brought the railway system to its present state; but, looking at the great number of Bills to be brought in this Session, and considering that in a short time railways would supersede every other mode of travelling, he did think that the Government ought seriously to turn its attention to the question whether some more effective method might not be adopted with the view of preventing the evils which had been referred to in the course of the debate, and to the existence of which it was impossible that they could shut their eyes. He had risen, however, principally to state his opinion that there should be some uniformity in the decisions of the Committees, to insure which he thought that matters of principle should be discussed in that House.

Mr. *Parker* had no doubt that every one was desirous, or that it was the duty of the House to see that the public should be carried at as low a rate as possible upon railways: but if the House laid down any plan for limiting the charges, founded upon the supposition that, acting upon that plan, every railway company would receive a fair and just remuneration for their enterprise, and the outlay of their capital, it might commit a grievous injustice. Had the House not also a corresponding duty to perform on the part of the companies? Should not the House in such a case guarantee to the companies an amount of remuneration somewhat approaching that which their enterprise merited?

Motion withdrawn.

LIGHTING THE HOUSE OF COMMONS.] Mr. *Hume* rose to move for a Copy of any Report of Experiments for Lighting the House of Commons in the last and present year; with a Copy of Plan for altering the existing Lights, and an estimate of the expense of the same. He wished to ask the noble Lord the First Commissioner of Woods and Forests whether it was intended to alter the mode of lighting the House? He should himself be extremely sorry to see any change in that House after what had been effected by Mr. Gurney; at any rate, without first knowing what kind of light they were going to have.

The Earl of *Lincoln* said, the hon. Member must be aware that the lighting of the House was not a matter which belonged to his Department, or was under his control, but of the Officer of the House; and the arrangement to which the hon. Member had referred had been made by that person. With regard to any experiments which had been made with the view of lighting the New Houses of Parliament, they had been made under his sanction by Dr. Reid. He believed that the House would agree that it would be extremely advantageous that the lighting and the ventilation should be under the management of one individual, considerable inconvenience having arisen already from having two persons engaged in those matters. The experiments which had been made had been purely with a view to the lighting of the New Houses of Parliament, and not with a view to any alteration in the present House. Those experiments would be continued; and if the hon. Gentleman, at some future period of the Session, should feel anxious to have any detail or Report upon the subject, such information as he (Lord Lincoln) could supply should certainly be laid upon the Table of the House; but at present there were no such documents as the hon. Gentleman had moved for.

Motion withdrawn.

House adjourned at a quarter to eight o'clock, for the Easter holidays, till Monday the 31st day of March.

HOUSE OF COMMONS,

Monday, March 31, 1845.

MINUTES.] BILLS. *Public.*—2°· Customs (Import Duties); Public Museums, &c.

Private.—1°· Boddam Harbour; Sheffield and Rotherham Railway; Agricultural and Commercial Bank of Ireland.

2°· London and South Western Railway (No. 2); Midland Railways (Ely to Lincoln); Midland Railways (Nottingham to Lincoln); Midland Railways (Swinton to Lincoln); Midland Railways (Syston to Peterborough); Sheffield, Ashton-under-Lyne, and Manchester Railway; Paisley Gas; Brighton, Lewes and Hastings Railway, (Keymer Branch); Standard Life Assurance Company; Shrewsbury, Oswestry, and Chester Junction Railway; Clerkenwell Improvement; London Orphan Asylum.

Reported.—Nottingham Waterworks; Britten's Divorce; Manchester Division Stipendiary Magistrates.

PETITIONS PRESENTED. By Sir George Grey, from Chelsea, for Better Observance of the Lord's Day.—By Sir R. H. Inglis, Mr. Kemble, Mr. Macaulay, Mr. W. Miles, Mr. Neeld, Mr. Ord, Mr. Sanderson, Lord H. Vane, and Mr. Stuart Wortley, against the Grant to Maynooth College.—By Mr. Macaulay, from the Lord Provost, Magistrates and Council of Edinburgh, for Abolition of Tests in Universities (Scotland).—By Dr. Bowring, from Dublin, against Importation of Hill Coolies into the Colonies.—Lord John Russell, from New Zealand, for Inquiry.—By Mr. Beckett, from Leeds, and Mr. Thornely, from Wolverhampton, for Repeal of Duty on Copper Ore.—By Mr. Cartwright, from an immense number of places, for Repeal of Malt Duty.—By Lord John Russell, from Ceylon, for Reduction of Duty on Colonial Produce.—By Mr. H. Berkeley, and Viscount Emlyn, from several places, in favour of the County Courts Bill.—By Mr. Dundas, from Mr. E. W. James, against the Fisher Lane (Greenwich) Improvement Bill.—By Mr. Dodd, from the London and Croydon Railway Company, for Referring back the Report of Trade on Kentish and South Eastern Railway Schemes.—By Mr. Bramston, from Guardians of the Poor of the Romford Union, against Parochial Settlement Bill.—By Mr. Young, from Guardians of the Cootehill Union, for Alteration of Poor Relief (Ireland) Act.—By Sir C. Coote, from Guardians of the Abbeylix Union, for Relief from Payment of Loan.—By Mr. E. Ellis, from Provost, Magistrates, and Town Council of Cupar, for Alteration of Prisons (Scotland) Act.—By Lord E. Bruce, Mr. E. Ellice, Sir George Grey, Mr. Fuller, and Mr. Broadley, from a number of places, for Diminishing the number of Public Houses.—By Mr. Wakley, from members of the Royal College of Surgeons (Gloucester), for Inquiry respecting Charter.

IMPRISONMENT FOR DEBT.] Lord *Duncan* wished to repeat a question which he had asked of the right hon. Baronet the Secretary for the Home Department before Easter, and to which he had on that occasion received an unsatisfactory answer, on the subject of the Bill which had been passed last Session for the Abolition of Imprisonment for Small Debts. He would again call the attention of the right hon. Baronet to the facilities which the 57th Clause of that Bill afforded to fraudulent persons owing less than 20*l.* to escape the payment of their debts. Many unfortunate tradesmen in the city which he had the honour to represent (Bath), had suffered severely from the *ex post facto* operation of the law; and he wished to know whether the Government meant to adhere to their former resolution respecting the measure, or whether they contemplated some step for remedying the evils to which it had given rise?

Sir *J. Graham* was sorry to hear that in answering the question of the noble Lord upon a former occasion, he should have said anything unsatisfactory to the noble Lord. He wished to inform the noble Lord that he adhered to the resolution he had formerly expressed upon that subject. From all the inquiries he had made, he had no reason to think that, upon the whole, the abolition of imprisonment for debts under 20*l.* had worked ill; and he certainly could not assent to any measure which should re-enact the penalty of imprisonment for debts under that amount. He was aware that the retrospective effect of the measure of last Session might in some cases have worked hardly; but that which had once been done he could not undo. If, however, it should appear that under the operation of that measure frauds were committed by the secretion of property, the Government would be prepared to give to that subject their best attention. But the experience which they had had of the measure was hardly sufficient to justify any new enactment upon the subject. One of the most important considerations connected with the passing of the Bill had been, whether it would not unduly diminish the credit given to the working classes. But he was happy to find from all the information he had received upon the subject, that the measure had been attended with no such injurious effect.

Mr. *Divett* wished to ask the right hon. Baronet whether his attention had been called to a clause in a Private Bill affecting the West of England, which would have the effect of re-enacting, in certain cases, the penalty of imprisonment for debts under 20*l.*?

Sir *J. Graham* said that any concurrence he might have given to such a clause could only have been the result of an oversight; and it should be his duty hereafter to oppose it.

Colonel *Rawdon* wished to know whether it was the intention of the Government to introduce a measure for abolishing in Ireland also imprisoment for debts under 20*l.*?

Sir *J. Graham* said that in his opinion it would be better to wait the result of the experiment made in England, before any final decision was taken for the extension of the measure to Ireland.

SUPPLY—THE NAVY ESTIMATES.] Mr. *Corry* moved (at a few minutes before five o'clock) the Order of the Day that the House should resolve itself into a Committee of Supply.

This Motion was agreed to, and in a Committee of Supply,

Mr. *Corry* proceeded to move the Navy Estimates, during the absence of Sir C. Napier, who had given notice that he should, on Mr. Speaker leaving the Chair, move an Address to Her Majesty, praying for a Commission to Inquire into the State of the Navy. The hon. Gentleman said, that in rising to propose the Navy Estimates upon that occasion, he felt it necessary to claim the indulgence of the Committee, not only on account of his own inexperience in explaining such details as those into which it would be his duty to enter, but also on account of the disadvantage under which he laboured in succeeding his right hon. Friend the Secretary at War in the discharge of a task which his right hon. Friend had, on former occasions, performed with the ability for which he was so distinguished. [Here Sir C. Napier, and immediately after him Mr. Wakley, entered the House amidst the laughter of hon. Members.]

Mr. *Wakley,* who had just entered the House and had a Motion on the Paper for the production of warrants issued for the opening of Mr. T. Duncombe's letters, amid cries of "Order!" appealed to the Chair, whether, seeing that he had been there ready with his Motion ever since the Speaker took the Chair, and had only left the House three minutes ago, supposing they would not go into public business till five o'clock, he ought not to be permitted to bring forward his Motion, a Motion of much public interest [" Order"].

The *Chairman :* The House is now in a Committee of the whole House, and cannot entertain the Motion of the hon. Gentleman.

Mr. *Wakley* moved that the Chairman do report progress [*Cries of* " No, no," " Order, order"].

Mr. *Corry :* I did not move the Committee until five o'clock.

Mr. *Wakley* rose amidst loud cries of " Order, order; Chair, chair," from all parts of the House. The hon. Gentleman exclaimed with considerable animation, I hope that it will be understood that this (the Opposition) side of the House approves of my not going on with my Motion [" Order, order"].

Mr. *Corry :* He thought that, in making his statement, the best course he could pursue would be to avoid as much as possible all questions of minute detail, and to confine himself to the principal causes of increase and decrease under the several heads of expenditure. With respect to the first of those heads, he deemed it unnecessary to enter at length on any explanation as to the reasons which induced Her Majesty's Government to propose an increase of 4,000 men to the number voted in the last Navy Estimates; because the reasons for that increase had already been explained by the right hon. Baronet at the head of the Government in the course of his financial statement in the early part of the Session. His right hon. Friend had stated that that increase was proposed, not on account of any apprehension of war, or with any view to aggression, but simply because it was considered politic that, in addition to the vessels required for the protection of her commerce, this country should have at command a disposable squadron of ships of the line which, independently of other considerations, would be most valuable even in times of the most profound peace as affording means for exercise in naval tactics, and for experimental trials of the comparative qualities of ships of war. He could assure the Committee that the Admiralty had never been insensible to the importance of forming such a squadron; but their intentions in this respect had hitherto been frustrated by the constantly increasing demands for ships on distant stations, beyond what had been anticipated when the former Estimates they had proposed were under preparation. To such an extent had these demands grown, that on three stations alone, namely, China, Africa, and the Pacific, it was found necessary to employ 6,000 men more than in 1841—a number equal to the full complements of eight ships of the line of the second rate. The Vote, therefore, for 40,000 men, which they proposed to take, provided 1,000 men less for other stations, exclusive of the three which he had specified, than were provided by the Vote for 35,000 men in the year 1840-41; and he thought this fact was sufficient to show that the Government had no wish to keep up a force which was unnecessary, or which was not absolutely required by the exigencies of the Public Service. With respect to the details of the first Vote, he would at present only refer to the re-establishment of two Companies of Marine Artillery, which was rendered necessary by the increase in the number of steam vessels, and which occasioned an additional expense of only 2,740*l.*, as it was effected not by adding to the numerical strength of the Marine Force generally, but by a redistribution of the corps between the Divisional and Artillery Companies. The whole sum required for Wages was 1,289,543*l.* being an increase on the Vote of last year of 119,067*l.* The next Vote was for Victuals for seamen and marines, in which there was an increase over that of last year of 65,585*l.*, consequent on the employment of 4,000 additional men; but in consequence of the reduced price of certain articles of provisions, a saving was effected of about 16,500*l.* on the 35,000 men to be employed afloat, as compared with the prices on which the Estimate for last year was founded. In the third Vote, namely, for the Admiralty Office, there was an increase of 2,266*l.*, which had been occasioned chiefly by an increase, amounting altogether to 572*l.*, to the salaries of the draughtsmen in the departments of the Surveyor of the Navy and of the Director of Works (in which it was of the highest importance to secure the services of men of adequate ability and education), and by an additional charge of 1,500*l.* required for repairs at the Admiralty which could no longer be deferred. There was another item of increase which, though small, required to be explained—he meant an additional allowance to one of the Lords of the Admiralty of 200*l.* a year. Great inconvenience had long been felt from the want of sufficient accommodation for the accumulation of charts and documents in the Hydrographical and Record Departments of the Admiralty; and in order to provide the necessary space for this purpose, his right hon. Friend (Mr. Herbert) had given up his official residence to the use of the Office, removing into the adjoining house, which had been vacated by his gallant Friend (Sir G. Seymour), on his acceptance of the command in the Pacific. By this arrangement one of the Naval Lords had been deprived of his house at the Admiralty, in lieu of which, the same amount of compensation, namely 200*l.* a year, was proposed, as had been awarded to the Civil Lord by the late Government, when his house was required for official purposes. He would now advert to a reduction—he alluded to that of the salary of the Second Secretary of the Admiralty, from 1,500*l.* to 1,000*l.* a year. It would be in the recollection of the Committee that this reduction, during the first five years of the Second Secretary's tenure of office, had been recommended by a Committee which sat in the year 1831. The Treasury Minute which appeared shortly afterwards, and which adopted the greater part, but not the whole, of the recommendations of the Committee, was silent on the subject of this particular salary; probably because its amount was not immediately in question—Sir John Barrow having been in occupation of the office for a much longer period than five years. But on the appointment of his successor, the Government had thought it right to assign him the reduced amount of salary which had been recommended by the Committee, but which at the expiration of five years from the date of his appointment would again be increased to 1,500*l.* He could not make mention of Sir John Barrow's name without expressing the deep sense he felt of the claims which that eminent man had earned to the gratitude of his country, during an official life of upwards of half a century; and he was confident that it would be the universal wish that he might long live to enjoy the honourable retirement which he had sought, and to which he was so well entitled by long and faithful public service. The next Vote which he should have to propose was for the General Register and General Record Office of Seamen, in which there was a large comparative increase, as the vote for the present year was 11,608*l.*, while that of last year was only 2,980*l.* This large increase had become necessary in order to carry into effect the Act (the 7th and 8th Vict., c. 112) commonly called the Merchant Seamen's Act, which had received the sanction of the Legislature during the last Session of Parliament; and he could assure the Committee that the new establishment had been fixed as low, both as regarded numbers and salaries, as the nature and extent of its duties would allow. It was to be observed that the charge of 5,000*l.* for postage, which would be considerably reduced in future Estimates was no real charge on the public, being merely a transfer from one Department of the State to another. The actual charge, therefore, amounted only to 6,608*l.*; and he was confident that the Committee would be of opinion that the great national objects contemplated by the Act of last year were cheaply purchased at such a cost. In the next Vote, for the Scientific branch, there was an increase of 1,469*l.*, chiefly occasioned by printing 500 copies of the Reductions of the Greenwich Lunar Observations from the years 1750 to 1830, and by the purchase of instruments: and as the Committee was always ready to make liberal provision for the service of a department of such importance to the interests of science, and to the safety of navigation, he would only direct attention to the explanatory statements of the surveys now in progress, which had been inserted in these Estimates for the first time, and which would be found to convey some useful and interesting information. No. 6, for "establishments at home" was so connected with No. 8, for "wages to artificers" employed in those establishments, that he thought he should best consult the convenience of the Committee by considering them together. The increase on the former was 3,120*l.*, and on the latter 41,526*l.*, making together 44,646*l.* Of this 9,690*l.*, under No. 8, was for riggers and labourers, in lieu of convicts removed to the penal settlements, in conformity with the arrangement which was explained last year by his right hon. Friend the Secretary at War; and nearly the whole of the remainder, amounting to about 35,000*l.*, was to meet the demands consequent on the increased activity in building steam vessels which prevailed in the dockyards at Deptford, Portsmouth, and Pembroke. The completion of additional building-slips had afforded the means of increased exertion in this respect, for which the entry of additional shipwrights and other artificers was necessary. Provision had also been made for expediting the construction of steam vessels in the other dockyards; but at Plymouth and Chatham the increase was chiefly owing to the convict establishments being broken up, and the consequent necessity of employing additional labourers, at the cost, as he had stated, of upwards of 9,000*l.* Nos. 7 and 9 embraced the corresponding Votes for the naval establishments abroad. On the first there was an increase of 531*l.*, occasioned by several additions to the salaries and allowances of some of the officers employed in those establishments, the reasons for which he would, if required, be ready to explain; but the latter Vote so closely assimilated to the Vote of last year, as to call for no remark on that occasion. The next vote, No. 10, was of the greatest importance to the efficiency of the fleet; and he was happy to say, that the large increase which was proposed was not required to make good any deficiency in the establishment of any article of stores, but almost exclusively for the augmentation of the steam navy, which was the principal cause of increase under almost every head of expenditure in these Estimates, with the exception of those which provided for the wages and victuals of the 4,000 additional seamen proposed to be voted. The whole increase on the gross estimate was 174,057*l.* Of this, 50,000*l.* was on the Vote for the purchase of steam machinery for steamers now building; several of them were to be of iron, occasioning an increase of 71,377*l.* on that item; 47,000*l.* was for the purchase of timber for Deptford, for which no sufficient store had been provided since its establishment as a yard for building steam vessels. The greater part of the remainder of the increase was for the purchase of additional supplies of hemp and canvass. The whole sum proposed to be voted under No. 10, was 1,199,141*l.*; and the net increase was 145,176*l.* On the next Vote, No. 11, for new works and improvements in the naval establishments at home and abroad, the Government had felt it their duty to propose the large amount of 486,346*l.*, being an increase of 107,480*l.*, which was chiefly required on account of the steam basins under construction at Devonport and Portsmouth. The cost of constructing works of such extent was necessarily great; and he regretted to say, that it would exceed the original estimate—partly on account of engineering difficulties which could not have been foreseen, and partly in consequence of deviation from the original plans, which it had been found advisable to adopt; but he felt confident that the Committee would not consider it to be greater than was justified by the necessity of providing for the equipment and repair of an arm so essential to the national security as the steam navy, for which we did not possess a single establishment along the whole line of the Channel—the part of our coast which in the event of war would be the most exposed to aggression, and where our commerce would be the most in want of protection. In order to supply this deficiency with reasonable despatch 80,000*l.* was proposed for the steam basin at Portsmouth, and 100,000*l.* for that at Devonport; 15,000*l.* was also proposed for the extension of the steam factory at Woolwich. While, however, the Board of Admiralty had felt it to be their duty to propose these large sums for the establishments in connexion with steam navigation, they had not neglected other works essential to the general efficiency of the dockyards. Of these, none were of greater importance than building-slips; and any diminution of their number, which was very inadequate, would materially impair our resources. It was accordingly proposed to vote 45,000*l.* at Chatham towards the construction of three new slips on the ground now occupied by four old ones of smaller dimensions, which were in so ruinous a condition that no further use could be made of them. The necessity of this work, of which the whole estimate was 102,000*l.*, would, he thought, be admitted when he stated that there were only three other slips in the yard on which ships of the line or large steam vessels could be built. 20,000*l.* was also proposed for the reconstruction of two slips at Deptford, which had been in a useless and ruinous state for many years; and 8,000*l.* for an iron timber-shed in the same yard, which would be of sufficient capacity to contain nearly the whole of the store of timber which was about to be supplied. At Pembroke 6,000*l.* was required for the enlargement of the smithery, which was at present very insufficient to provide for the demands of the yard; and 16,000*l.* for roofing two first-class building slips which had just been completed. He also proposed 31,740*l.* for the purchase of machinery for the dockyards generally,—an expenditure which would be as conducive to ultimate economy as to present efficiency. The other items were in continuation of former Votes, and required no explanation; and he should therefore conclude his observations on this head by drawing the attention of the Committee to the new form in which the estimate was drawn up, in conformity with the recommendation of a Committee appointed by the Treasury; and he trusted that the additional information which it conveyed would be considered satisfactory. In No. 12 there was an increase on the gross estimate of 500*l.*; but 400*l.* less was required to be voted in consequence of the larger amount of repayments in aid of the Vote from other departments. In No. 13, for Miscellaneous Services, there was the large increase of 56,827*l.*, in consequence of 67,000*l.* being required for the purchase of land. The greater part of this was for a site for the workshops in connexion with the two steam basins at Portsmouth, for which there was no sufficient space within the limits of the dockyard, and the cost of which was necessarily large, as it was at present occupied by a brewery and other buildings forming a part of the town of Portsea. On No. 14, for Half-pay, there was a decrease of 12,656*l.*; but he thought it right to apprise the Committee that it was his intention to move at a future period of the Session a supplemental estimate in aid of this Vote, to enable the Government to carry into effect a scheme of retirement, which in their opinion could no longer be deferred with due regard to the efficiency of the Admirals' and Captains' Lists. The details of the measure had not yet been fully matured; and as he trusted that, under such circumstances, it would not be made the subject of discussion, he would confine himself to the announcement which he had made, and which he was sure would be received with satisfaction by all those who had paid attention to the subject, and who appreciated its importance as it deserved. The four following Votes—15, 16, 17, and 18—called for no particular observation. In the two former, which concluded the Votes for Naval Services, there was a decrease of 6,077*l.* and 4,472*l.* respectively; and in the two latter, which provided for the service of the Army and of the Home Department, there was a decrease of 29,485*l.* and 4,645*l.*; the former on account of a less amount being required for the conveyance of troops, and the latter from the larger amount of credit in aid from the sale of returned convict stores. He had now arrived at the last Vote—No. 19, for the Contract Packet Service—in which there was the large increase of 112,223*l.*; but he was confident that this increase—a great part of which would be repaid by receipts on account of postage—would not be considered greater than was justified by the importance of securing the means of regular and rapid communication with distant regions with which the commercial transactions of this country were daily becoming more extensive. The greater part of this increase was occasioned by the contract for a line of steam packets to run once a month between Suez and Calcutta, with a branch line from Ceylon to Singapore and Hong Kong. The whole amount to be paid for these services was 160,000*l.* a year; but as 70,000*l.* of this was to be defrayed by the East India Company, the charge on the Naval Department was 90,000*l.* The 99,845*l.* required to be voted in these Estimates was the balance between fifteen months of the service from Suez to Calcutta, which had been in operation since the 1st of January; and of nine months of that from Ceylon to Hong Kong, which would not commence before the beginning of July; 10,000*l.* was also proposed for an additional mail to Alexandria once a month, to carry out the direct Calcutta mail; but no contract had as yet been concluded for that service, which was for the present carried on by steam vessels of war. There was also a small but not unimportant charge of 1,800*l.* to provide for return mails from Australia, the contract previously in force having provided only for their conveyance to that country. The whole amount required for the Contract Packet Service was 544,774*l.*; and if to this were added the annual cost of Her Majesty's vessels employed in the conveyance of mails, the total charge on account of the Post Office Department would be 709,046*l.* which the Committee would observe was upwards of one-tenth of the whole amount of the Navy Estimates. Before he concluded, he was anxious to show that nearly the whole of the increase on account of purely naval services, with the exception of the two first Votes for wages and victuals, and the fourth for the registry of seamen, was attributable to the cause to which Her Majesty had directed the attention of Parliament in the Speech from the Throne—he meant the augmentation of the steam navy, and the collateral expenses which it entailed.—The whole of the increase in the Estimates was 686,072*l.* of which 193,280*l.* was on account of the three Votes which he had excepted, and 78,098*l.* on account of the last three Votes in the Estimates for the service of the Army, the Home, and the Post Office Departments. There remained 414,000*l.* in round numbers, of which no less than 383,000*l.* was chargeable to steam, namely:—

£35,000	under Nos. 6 and 8 for the wages of additional artificers.
47,000	for timber for steam vessels building at Deptford.
121,000	for the purchase of machinery and iron vessels—and
180,000	for steam basins, and the purchase of land for workshops, &c.
Total £383,000	which left an increase on account of Naval Services generally of only 31,000*l.*

The whole increase which was proposed—namely, 686,072*l.* was undoubtedly large; but he could nevertheless assure the Committee that the Estimates had been prepared with that due regard to economy with which, whether the Revenue were flourishing or declining, every question involving the expenditure of public money should always be approached; and that what was voted was no more than was required by the exigencies of the public service; and as he was confident that the expediency of increasing the Vote for seamen in some proportion to the increased demands for the protection of our commerce on distant stations would be disputed by few, and that the necessity of providing for the steam navy in proportion to the preparations of other nations would be admitted by all, he felt it unnecessary to urge the adoption of the Estimates which he had brought forward by further argument, and should conclude by thanking the Committee for the indulgence with which they had heard him, and by moving the first Vote—that there be employed for the year ending March 31, 1846 — 40,000 seamen and marines, including 2000 boys.

Mr. *Wakley* said, that he should now move that the Chairman report progress and ask leave to sit again; and he did so for the purpose of reminding Her Majesty's Government of what had taken place in this House before Easter, in reference to a question he then brought forward. He begged to remind the right hon. Baronet, Her Majesty's Secretary of State for the Home Department, of what he (Mr. Wakley) had said upon that occasion in reference to the Post Office affair. He then said that his constituents had forwarded him a petition, requesting him to present it to this House, in reference to the opening of the letters of his hon. Colleague; and at the same time expressing the great anxiety they felt for a full explanation upon the subject, not having yet had any thing like a satisfactory explanation. When he presented that petition he stated that it was not his wish to put Her Majesty's Government to any inconvenience; but he felt coerced to adopt the course he had taken, his constituents having declared that they would not be satisfied until they had been assured whether or not any warrant had ever been issued authorising the opening of certain letters already mentioned. However, he did forego his right then to make the Motion of which he had given notice, in order not to inconvenience the Government. He now begged to say that he was compelled to make the Motion, and should take the sense of the House upon it, for he felt it a duty incumbent upon him to do so; and this course he had intimated to the right hon. Baronet his intention to adopt, before Easter. Now, he had come down to the House to-day for that purpose, and remained there three quarters of an hour, and then absented himself for about five or six minutes, and yet, to his surprise, he found on his return, though it was not then five o'clock, that the House had got into Committee; and this certainly appeared to him to be rather sharp practice. The usual practice was to discuss grievances before going into Committee of Supply. He would be sorry that any course should be adopted by this House that would be likely to create any excitement out of doors; but he could not help saying that it was not quite fair to have acted towards him in this way after what he said in reference to this subject before Easter.

Sir *Robert Peel* hoped that the hon.

Member would not persevere in his Motion, or take the sense of the Committee on it. At the same time, he begged to assure the hon. Member that there was not the slightest intention at this side of the House to take any unfair advantage of him. [Mr. *Wakley :* I was absent only five or six minutes.] He begged to assure the hon. Member that no intention whatever existed to take the advantage of him the hon. Member appeared to apprehend ; but every hon. Member should be aware that it had been determined on to commence the public business at half-past four o'clock. Her Majesty's Ministers came down under the impression that public business would commence soon after half-past four, and that the hon. Member's Motion would come on; but it was thought that he did not intend to persist in it, as he was absent. He could also assure the hon. Gentleman that after the Notice had been given, his right hon. Friend the Secretary for the Admiralty let five or six minutes elapse before he moved that the House resolve itself into a Committee of Supply. Again he begged to assure the hon. Member that there was not the slightest wish to take any advantage of him, and he hoped he did not think so.

Sir *Charles Napier* said, if his hon. Friend had reason to complain, he thought he had still more so. He had only left the House to secure a Paper, and although he ran back as fast as he could, he found the Speaker had left the Chair. Nobody regretted more than he could the retirement of the right hon. Gentleman the Secretary at War from the office of Secretary to the Admiralty. He believed it was very generally admitted that no man had performed the duties better than he did. The right hon. Gentleman displayed great zeal and ability while he held that office; and he thought he had fully earned his promotion. If anything could remove the regret which he entertained of losing the right hon. Gentleman, it was the pleasure of seeing installed into the office the present new Secretary to the Admiralty, who had just made a most able and excellent statement. He did not believe the right hon. Baronet at the head of the Government could have selected a more competent or efficient person to fill that office. He was extremely happy to find from the statement of that right hon. Gentleman that they were going to have an experimental squadron, and he hoped when that squadron went to sea it would be commanded by an officer who would look out for a good squall or bad weather to try the capabilities of the new ships belonging to this country. Before they proceeded to vote immense sums for the use of the Navy, he must take the opportunity of directing attention to certain statements connected with the force of the country. He did not know whether those statements were correct or not; but at all events if they were not, it would be no fault of his, for it would be recollected that some time ago he made application to the Government for certain returns, which returns were refused, because it was not thought proper by Her Majesty's Government that they should go forth to the public. The first return which he wished to be made was a report by the builders of the Navy of the state of the Navy, which took place shortly after the present Government came into office ; but that report was refused him. Now he had been told by a gentleman who had seen that report, that it was by no means satisfactory. If he had not seen the report himself, and this was an incorrect impression, perhaps then the right hon. Baronet would be able to set him right. It would be remembered also he asked for returns of the ships of the Royal Navy of all classes on the 1st of January, 1845, stating those that are unfit for service, and those that require repair ; likewise all ships building; but this also had been refused him. Now he thought that after a peace of thirty years, during which they had spent between forty and fifty millions in the construction of ships, the Government ought not to be ashamed to show to the whole world that the British Navy was now as perfect as it could possibly be—that, after a peace which had lasted for thirty or forty years, that the Board of the Admiralty ought not to be ashamed to show the British Navy to the whole world ; but he conceived that this was particularly applicable to the steam navy. It was well known this was a powerful arm of the service, particularly in the present state of science, and that it was likely to come into still more powerful use than had ever before been witnessed. He thought, therefore, that he was fully entitled to ask for returns respecting the steam navy. The hon. Member for Montrose had, in 1843, asked for and obtained returns respecting this branch of the service; and he did not understand why returns connected with this branch — he might say the very same returns—should not be given to him up to the year 1845. As he could not obtain this official return, he was obliged to refer to the *Navy List*, which was published by authority. From this work he found that we had 20 three-deckers, 59 two-deckers, 74 frigates, 8 corvettes, 65 sloops, 48 brigs, cutters, and schooners, 14 surveying vessels, 14 stationary ships, and 3 yachts. Now, after this he should wish to know what possible objection there could be to give him a statement of the number of ships in commission last year, including a return of the steam navy of the country. He would venture to say, that with all the exertions they could make, they could not man fifty sail of the line in a twelvemonth, with the frigates, corvettes, and other vessels which would be necessary. He was convinced that they could more readily get fifty new sail of the line built in the same time in merchant yards, than man that number. It appeared to him if any of these ships, the number of which he had stated, were not fit for service, or were not intended to be brought forward again, that they ought to be at once sold, and that the country should not be put to the great expense of caulking and other repairs to which they were annually liable. Before showing the number of ships on the stocks, it was necessary that he should state the system that was pursued in building them. With respect to the *Queen*, it appeared that she was very nearly half-built, as the *Royal Frederick*, before she was changed. But they had seen by the experiments made the other day that she had failed. She had been since taken into Chatham dockyard, where a false bow had been stuck on to her. A large gripe, making her four or five feet longer, was added to her, in order to give her a better bow; but that not being sufficient, she had to get a false stern on, as it was found that she could not steer. She had actually got a bustle on. So much for the *Queen*. He would next come to the *Boscawen*. She was laid down in 1814 as a 74, but in 1819 she was changed into an 80-gun ship, and in 1834, after eight years' seasoning, she was turned into a 70-gun vessel. The *Union*, after having had 13,000*l*. laid out in repairs upon her, was pulled to pieces. The *Station*, 46; *Tigris*, 46; *Jason*, 46; *Severn*, 46; *Porcupine*, 20; *Pheasant*, 18; *Redwing*, 18; *Seascout*, 10; and *Vindictive*, were also all pulled to pieces. If the same accident happened to the present Government which occurred to their predecessors, and if a new Surveyor of the Navy were got, it was possible that as many more vessels now in the service would be also pulled to pieces. Independent of that enormous number of ships, they had the following three-deckers building:—The *Royal Albert*, built after the plan of Mr. Laing. When the present Surveyor came into office, he was one of those who complained to him that they had already gone to too great a breadth in their three-deckers; and yet the *Royal Albert* was built one foot broader and sixteen feet longer than the *Queen*. He had that fact from the builder, who perhaps might have led him into error. Now, when they considered the enormous mass of the sails, and the great size of the yards, where, he would ask, were they to get men to work them? Really when he saw a man on one of the lower yards of a three-decker, he could not imagine how he was able to do anything whatever. It would almost appear that they intended to go to the planet Saturn for seamen, as it was stated that fellows there had a breadth of some two feet between their eyes. The other ships of the line building were:—*Royal Frederick*, 110; *Victoria*, 110; *Prince of Wales*, 110; *Royal Sovereign*, 110. Ordered—*Marlborough*, 110; *Windsor Castle*, 110. Two-deckers, *Princess Royal*, 90; *Aboukir*, 90; *Exmouth*, 90; *Hannibal*, 90; *St. Jean D'Acre*, 90; *Algiers*, 90; all laid down by Sir William Symonds. These made altogether thirteen large ships from 90 up to 110 guns, besides which they had another pretty list of seven 80-gun ships building, all laid down after the plans of Sir W. Symonds. They were all commenced by the late Government, and were as follows:—The *Mars*, *Majestic*, *Colossus*, *Lion*, *Madras*, *Brunswick*, *Sanspareil*. He was not prepared to attach the same blame to the 80-gun ships as to the *Royal Albert* and the *Queen*, as he believed it was beyond doubt that the *Vanguard* was an uncommonly fine vessel. She had certainly the fault of not having a single gun out at the stern. He did not know whether the blame of that was to be attached to the late Board of Admiralty or not; but if it was extraordinary that the Surveyor should propose twelve years ago to construct a ship that had not a single gun at her stern, and that could not fire a shot if chased by a French vessel of superior power, it was ten times worse to build such a ship at the present day; and yet the *Queen* was unable to fire a single gun from her stern ports. He trusted, however, that the gallant Admiral would be able to tell them that he had changed that rule, and that no other vessels would be built with this serious omission. They had also three 80-gun ships ordered:—The *Agamemnon* laid down by Admiral Hayes; *Irresistible*, laid down by Sir W. Symonds; and the *Cressy*, laid down by the School of Naval Architecture. The next class of vessels were the 50-gun frigates, of which two were building. One commenced by the late Government, the *Constance*, laid down by Sir W. Symonds; and the *Raleigh*, by Mr. Fincham. In addition to these they had ordered the *Severn*, 50, Fincham; *Leander*, 50, Blake; *Shannon*, 50, Blake; *Liffey*, 50, Symonds; *Arethusa*, 50, Symonds; *Active*, 36, Symonds; *Sybille*, 36, Symonds; *Thetis*, 36, by the School of Naval Architecture; *Chesapeake*, 36, Symonds. They had then of 20-gun frigates building, the *Alarm*, *Creole*, *Malacca*, and the *Niobe*, all from the plans of Sir W Symonds. It was not necessary for him to fatigue the House by entering into the question of the smaller vessels. Of these there were the following corvettes and brigs upon the stocks:—The *Coquette*, 20; *Calypso*, 20; *Challenger*, 18. Brigs building:—The *Arab*, 16; *Zebra*, 16; *Goshawk*, 12; *Kingfisher*, 12; *Camilla*, 16; *Atalanta*, 16; *Liberty*, 16; *Mariner*, 16; *Martin*, 16; *Squirrel*, 16; *Britomart*, 10. He did not believe there was any complaint to be made of these vessels, and he would therefore proceed at once to the most important part of the subject, namely, the steam navy. The gallant Admiral had refused to tell him how much had been expended on the construction of the war steamers, but he believed he could go very near the amount without the return. Of steam frigates they had the *Retribution*, 1,641 tons, Symonds; *Gladiator*, 1,210 tons, Symonds; *Sampson*, 1,299 tons, Symonds; *Firebrand*, 6 guns, 430-horse power, 1,190 tons, Symonds; *Vulture*, 6 guns, 430-horse power, 1,191 tons, Symonds; *Cyclops*, 6 guns, 320 horse power, 1,195 tons, Symonds; and that beautifully-constructed frigate the *Penelope*, and the *Terrible*, of which they had no returns. He really did trust that before the House voted any more money for the construction of steam boats, they would require an assurance from the Government that they would appoint some scientific man, well versed in the subject of steam vessels, to show how they ought to be built. He had brought the subject before the House in various shapes already. He had moved for an Address to Her Majesty on the matter, but it was refused. He then moved for the appointment of a Committee, but with no better success; and he now applied for a Commission on the subject: but it would appear that the Admiralty fancied the whole naval talent of the country was centered in their own body, and that no person had any right to interfere in any way with them. Gentlemen on the opposite side of the House thought that they should support the Minister, whether he were right or wrong, unless some question about grease and tar, or butter and lard, was brought forward, affecting their immediate interests. They were then found opposing the Ministry; but in matters such as that now before the House, where hundreds of thousands of pounds of the public money was voted away, not one of them was found to stand up and support him in calling for an inquiry into the matter. But these hon. Members were not worse than hon. Gentlemen on his own side of the House. They had a fellow feeling with the Admiralty Board, and they accordingly thought proper to support it, and not to give way to any Member who should bring the subject before the House. But what were the facts? The *Retribution* was 1,640 tons burden, or of a size larger than a frigate, and yet she did not carry a single gun on her main deck. She might have some guns put upon her main deck, but they could not be placed in an advantageous position. Then they had the *Terrible* still larger, as she was of 1,830 tons; but yet the man who built her absolutely forgot to give her any stern guns at all. He had heard lately that two stern ports had been cut in her. The *Sampson* was in exactly the same predicament, and, what was worse, her machinery was in the worst possible position. He could defy them to fire a shot through her engine-house without knocking away some material part of her machinery, so that he considered it absolutely absurd to talk of her as a vessel of war. Then they had the *Firebrand*, in which Captain Corry went out, and reported that it was absolutely impossible to fire off a gun from her stern. Of the *Vulcan* he would say nothing, as he had not seen her himself. The *Cyclops* was at first intended for a frigate, but was obliged to be altered. The *Gorgon* was in exactly the same state, and the sooner she was brought down to be a corvette the better. He next came to the steam sloops, of which they had twenty-four. They cost the country altogether a sum of 462,104*l*., without including the machinery, which he supposed cost as much more; and out of the entire he would not except one, when he declared they were only fit for packets to carry troops. It was impossible that a shot could enter the engine house of any one of them without destroying the machinery. He had a communication with the engineer on this subject, and he told him that there would be no difficulty in bringing almost all the machinery down, and exposing nothing but the piston, the connecting-rod, and the eccentric. The steam-pipes, or cylinders, instead of being short, were all unnecessarily long, and the steam-boxes were thus made to appear high above the water. He could defy the gallant Admiral to fire a shot through one of them without breaking the machinery. The following was a list of these sloops, with their cost and tonnage:—

STEAM SHIPS.

Name.	Guns.	Horse power.	Tonnage.	Cost.
				£
Gorgon	8	320	1,111	28,010
Driver	8	280	1,057	24,682
Styx	8	280	1,057	22,977
Vixen	8	280	1,054	21,474
Geyser	8	280	1,054	22,553
Growler	8	280	1,059	22,251
Devastation ..	8	400	1,058	21,865
Thunderbolt	8	300	1,055	24,655
Cormorant ..	8	300	1,057	26,076
Spiteful	8	280	1,054	23,054
Virago	8	300	1,059	23,034
Eclair	8	286	1,059	No return.
Rattler	4	200	888	ditto.
Hydra	4	220	818	15,357
Vesuvius ..	8	280	970	20,980
Stromboli ..	8	280	967	22,372
Dee	3	200	704	16,523
Phœnix	4	220	809	20,205
Medea	4	220	835	19,874
Black Eagle ..	3	260	495	10,703
Flamer	3	260	496	12,743
Pluto	3	100	495	10,703
Firefly	3	140	550	14,374
Rhadamanthus	4	220	813	17,943
Salamander ..	0	220	818	19,691

He next came to the class of steam packets, of which he would read the following particulars:—

Name.	Guns.	Horse power.	Tonnage.	Cost.
				£
Spitfire	0	140	553	15,769
Blazer	3	120	527	12,967
Tartarus ..	0	136	523	11,899
Hermes	3	220	716	16,252
Alecto	5	200,39	800	13,471
Prometheus ..	5	200,39	796	16,137
Lizard	0	100,40	283	7,180
Ardent	5	200,41	801	14,631
Megara	5	160,37	717	16,382
Dasher	0	100,37	260	6,051
Widgeon ..	0	90,37	164	4,257
Merlin	0	312,38	889	18,024
Medusa	0	312,39	889	18,252
Acheron ..	0	170.38	722	14,083
Hecla	4	240,39	817	16,219
Hecate	5	240,39	817	15,279
Volcano	4	140	720	16,978
Polyphemus	5	200	801	13,739
Sydenham ..	3	232	597	26,930
Albert	0	70	457	No return.
Wilberforce ..	0	70	457	ditto.
Soudan ..	0	35	249	ditto.
Bee	0	10	42	1,095

The steam frigates of which they had no returns of the expense were as follow:—

	Tons.
Firebrand . . .	1,190
Vulture	1,191
Eclair . . .	1,059
Gladiator	1,210
Sampson . . .	1,299
Retribution . . .	1,641
Scourge . . .	1,124
Terrible	1,840
Penelope . . .	—

He next came to the steam ships that were building. They were:—

FRIGATES.

Name.	Guns.	Horse power.	Tons.
Dragon	8	560	1,270
Avenger	10	650	1,444
Centaur	8	540	1,270
Amphion	36	800	1,284
Odin	—	550	—
Vulcan	8	556	1,400

SLOOPS.

Name.	Guns.	Horse power.	Tons.
Sphynx	6	500	1,056
Bulldog	6	420	1,124
Fury	6	515	1,124
Inflexible	6	350	1,124
Harpy	3	200	345
Torch	3	150	345
Spitfire	3	140	485
Trident	4	350	850
Myrmidon	3	150	370
Grappler	3	220	559

STEAM VESSELS ORDERED.

Name.	Guns.	Horse power.	Tons.
Hound	0	0	358
Niger	0	0	0
Dart	3	0	319
Fury	6	515	1,124
Dauntless	28	520	1,453
Steam Frigate ..	46	300	1,861
Encounter	8	320	895
Conflict Desperate } No drawings.			
2 Iron steam frigates.			
2 Iron steam sloops.			

He had been on board the *Centaur* two days before, and he found that she also would not be able to fire a single gun from the stern of her main deck; but it was not yet too late to alter her, and he hoped the matter would not be lost sight of. The *Dragon* and the *Avenger* were built on precisely the same plan. Mr. Fincham had been ordered to build a vessel of 550 horse power, and 1,450 tons burden, and that was the only steam boat they would have that could be called a man of war. He proposed to Mr. Fincham to make his vessel two feet deeper, because he invariably found that in every steam vessel they had the paddle shafts were nearly gutted when there was a sufficiency of coals on board. If the alteration which he suggested were made, he would take the responsibility entirely on himself should it be found to fail. The *Vulcan* of 556 horse power, built by Mr. Laird, was, he presumed, the first iron steam vessel built for them. He was himself the first person to build iron vessels, and to cross the Channel in them, but he would advise the gallant Admiral to attend to the effect which shot would have upon them. It was well known that wood closed, to a certain extent, after being pierced by shot, so as to be plugged without difficulty, but that could not be the case with iron boats, and he would therefore recommend that some experiments should be tried by firing shots through plates of iron. A lining of timber would probably facilitate the plugging after an action. He would not detain the House by going through the list of small steamers. A resolution had, he believed, been adopted the other day not to carry guns on the main deck of those vessels, and that he thought a useful decision, because they could not be got to be efficient. With respect to the machinery, he would earnestly recommend Sir William Symonds to pause before he adopted the course he proposed to take, and to endeavour to throw the machinery a great deal lower. He had gone through the subject to the best of his ability, and he trusted that he had made himself sufficiently intelligible. He had intended to apply for a commission, and after the statement which he had made in that House, he did not think it would hurt the dignity of the Gentlemen of the Admiralty or the Members of the late Board, if they would consent to appoint a commission to inquire into the subject which he had brought before them. The hon. and gallant Gentleman concluded by expressing his thanks for the very attentive manner in which he had been heard by the Committee, and by a hope that the Board of Admiralty would not throw away the hints which he had given them.

Sir *G. Cockburn* could assure the hon. and gallant Commodore that he took every thing he said in good part; but he could have wished that the hon. and gallant Gentleman had not imputed bad motives for everything he disapproved of. [Sir *C. Napier:* I did not impute such motives.] The hon. and gallant Gentleman had ended his speech by referring to the subject of steam boats, which was by far the most important topic throughout his address. As regarded the steam navy, when it was determined to build steam men of war the subject was in its infancy and not very well understood. On coming into office he found that there was a very considerable steam navy already established, and many more building. The steam ships had been built and armed on this principle. It was considered from their very nature, the paddle-boxes hanging out from the machinery, that they must necessarily prove weak vessels for broadside actions. They were therefore fitted with a large gun forward and aft on their upper decks, inasmuch as they could take up with much ease their own position, and fire upon the enemy with a certain degree of impunity, and they were not, therefore, calculated to carry guns on their main decks: in saying this he did not wish to throw anything like censure upon the former Board—they had had a new material to deal with. The present Board had only built the *Terrible*, the *Retribution*, the *Janus*, and the *Porcupine*, with some smaller vessels. The *Terrible* being a vessel of very large dimensions was built as an experiment, and was fitted differently to the former plan, and was to carry guns on her main deck as well on the upper deck; she would carry on the latter two of the heaviest guns, being 8-inch guns of 112 cwt., capable of firing solid shot of 68 pounds, with a range of upwards of three miles, and which guns would fire right a-head in a line with the keel; she would have two more of those guns abaft to fire direct astern also in the line of the keel; and she would have amidships between the guns just mentioned, on the same deck, four 56-pounders of 96 cwt., and on her main deck she will have two long 56-pounders to fire right a-head in a line with the keel, 11½ feet long, to enable them to be fired clear of the ports, and she will have two of the same guns in her after ports; and between these midships she will have four light 8-inch shell-guns of 65 cwt., making together sixteen guns of large calibre. She will prove, no doubt, a most formidable vessel in whatever way we view her. The reason why they did not put the 68-pounder guns of light weight on the upper deck was, that being of the same calibre, they might risk the safety of the gun by putting into it round shot instead of the shell shot. The *Retribution*, to which the hon. and gallant Commodore had alluded, was not built for carrying guns upon her main deck; but, nevertheless, she would ultimately be able to have them, and they would put guns upon her main deck. As regarded the steam navy in general, the hon. and gallant Gentleman had said that the vessels were useless and good for nothing. They were almost all at sea at the present moment, and they were found to do their duty remarkably well. [Sir *C. Napier*: I said unfit for war purposes.] They were prepared and ready for war if necessary. Of course, during peace they had no enemy to fire at; but they had gone through a great deal of practice, and as far as carrying guns on their upper decks was considered of importance, they had been found to be very fit for the work. The Admiralty were every day—almost every hour—listening to proposals for improvements, and examining as to how those improvements could be carried out. They have had already some extraordinary experiments tried in reference to this subject. The hon. and gallant Commodore had thought proper to find great fault with the frigate *Penelope*. He must, however, say, that from the experiment which had been tried, there had never been anything more complete. When he spoke the other day upon the subject of this *Penelope*, the hon. and gallant Officer opposite, and the hon. and gallant Member for Westminster, remarked that they did not mind what captains in the service said, for they would say anything to please the Admiralty (not very complimentary to their brother officers). He then felt that the Board stood in this predicament: if anything were said in favour of it by such parties, it was immediately declared by the hon. and gallant Members to be a false report; but if, on the contrary, anything was uttered which tended to find fault with the Admiralty, then these hon. and gallant Members immediately referred to such a statement as authentic evidence in favour of their views. [Sir *C. Napier*: "No, no."] He should just read what was said on the subject by the master of the vessel, as it related to the performance of a feat which was very extraordinary. At Ascension, where the *Penelope* was lying, they became very short of water, and it was considered how the deficiency could be made up. It was found difficult to determine how it could be remedied, and it struck the officer in command of the *Penelope* that he could calculate exactly how relief could be brought to them—he calculated that by going eight knots an hour they should be able to reach Sierra Leone at a certain time, when he could procure a sufficient quantity of casks and tanks to load with them the *Tortoise*, a large merchant-built ship placed as guard-ship at Ascension. He accordingly went to Sierra Léone, and returned back exactly in the time he had mentioned. He then placed the said casks and tanks on board the *Tortoise*, and, taking that vessel in tow, actually towed against the strong south-easterly trade wind from Ascension to St. Helena, there filled her and his own ship with water, and the two ships returned with their supply of water to Ascension within the time calculated—which could not have been performed by any other vessel being a mere sailing vessel, or having less power as a steam ship than *Penelope*. Then the master of *Penelope* goes on to state,—

> "That the *Penelope* had fairly beaten every man of war steamer she had met with except only the Queen's Yacht; that she had exceeded the *Cyclops*, the *Prometheus*, the *Vulcan*, the *Hydra*, the *Hecate*, &c.; that she had made passages while other steamers were obliged to bring up; that for a period of thirteen years, during which time he had been employed in steamers, he could safely assert that not one of them could have surpassed the *Penelope* in speed, or could have equalled her in qualities as a sea boat. The maximum rate of her steaming was ten knots and three quarters."

What was still more important, they had endeavoured to apply the screw to men of war steamers, the advantage of which was, that the whole of the machinery would be under water and safe. There was also an engine invented by Lord Dundonald, which was likely to supersede that at present in use.

Every person who thought he had an improvement brought it to the Admiralty, and their Lordships either endeavoured to induce the individual to try the experiment or they tried it themselves. They were very much obliged to the gallant Commodore, and expected great advantage from the attention he had paid to these matters, he having got the better of his party feelings, and offered to construct a steam ship for us which should be perfect; but he was wrong in supposing Mr. Fincham the builder at Portsmouth, for he declined to allow the vessel he is building to be dealt with according to the gallant Officer's plan. Nevertheless, the Admiralty would allow another vessel to be laid down on the plan of the gallant Officer. He would only say, as regarded the steam navy in general, that we had the most effective steam navy in the world. He had a list of the vessels, the name of every ship, and her strength, which was at the gallant Officer's service. It was not wise to boast of our strength; but he would say, comparing our steam navy with that of our neighbours, that it might be reckoned as three to two. Our horse-power was 30,000, theirs was 20,000. Now, as regarded the ships, the gallant Officer, fishing for something to find fault with, had moved for a return of the number of vessels which, since the year 1815, had been broken up or turned into hulks without being at sea, naturally enough supposing that as some of our men of war had been built and launched after 1815, and thirty years had since elapsed, some of them might have fallen through, and then he would have made his grand flourish. It did so happen, however, that when the Report came, it appeared that, owing to the care of the Naval Department, only one vessel had been so treated which had not been at sea. The gallant Officer, seeing these returns did not meet his object, then moved for a return from 1800, carrying us back nearly half a century, and that gave him one or two ships which had been broken up without going to sea. It was not at all extraordinary that in the course of such a length of time some improvements and alterations had taken place in shipbuilding, owing to the great improvements that had been made in the science of naval architecture; but in spite of the assertions of the gallant Officers of the inefficiency of our ships in former times, he (Sir G. Cockburn) maintained they were then quite equal to the work they had to perform. He remembered that at the beginning of the war, when the *Inconstant* of that day came out, she was considered to be the perfection of a frigate as to strength, size, manœuvre, and sailing. So much did the gallant Officer who commanded her admire her, that he did not fear to carry her alongside an 80-gun French ship and stopped her for the *Agamemnon*, Captain Nelson, to reach her. The *Inconstant* frigate was exactly the tonnage of what were now called the donkey frigates, which were now described as being unfit for service. A great deal had been said of the total inefficiency of those ships; they were built, it was true, by men who had been brought up apprentices in our dockyards, who had learned their business there, and become Surveyors of the Navy. He would add another fact on this point, which related to another vessel of the same kind—the *Penelope* of that day—and built by the Surveyors of the Navy. She was cruizing off Malta; and there happened to be in Malta the *Guillaume Tell*, the very perfection, the *ne plus ultra* of the efforts of the French genius in shipbuilding. The French scientific engineers had completed in her that which was considered then and afterwards to be the most perfect man of war. She was lying in Malta harbour; and it became necessary for her to escape, as the place was likely to fall into our hands. The French admiral chose his night, and put his ship into the best possible sailing trim; and put to sea with a fine fresh wind favourable for his object. This frigate saw the vessel at a distance, and of course chased her. The *Guillaume Tell* set every sail; and this donkey frigate, built by the Surveyors of the Navy, now so much abused, came up with her, brought down her topmasts, and enabled our line of battle ships to come up with her and take her. When he (Sir G. Cockburn) was cruising with Lord Keith, off Toulon, five enemy's ships were discovered at a great distance; the *Centaur*, one of our line of battle ships, was ordered with others of the squadron to chase them; the *Centaur* (built by the abused Surveyors) came up with them, as did the rest of the chasing ships; and the whole five were taken without difficulty—proving to be French frigates and corvettes, built by the marine engineers. When cruising with a squadron of five sail of the line off Brest, we discovered a French frigate endeavouring to escape; every one of the five ships of the line, built by our Surveyors, came up with that French frigate, and she was, of course, taken. He, therefore, maintained, not only that our ships sustained their reputation during the war off Brest and Toulon, winter after winter, but they drove every other ship off the seas. It was, therefore, unfair to say that the ships were good for nothing, and the builders good for nothing. Having said thus much in defence of these ships, he must admit, in reference to what had fallen from the hon. Member for Montrose, that it was an extraordinary fact that up to the end of the war, England was the only maritime nation that had not a scientific Board. The Admiralty of that day saw the necessity of establishing a School of Naval Architecture, as to which the hon. Member for Westminster had observed, when it was mentioned the other day, that the less we had to do with them the better; nevertheless, if it should be found by the investigations now in progress to be advisable, some establishment of similar nature might be again formed. It was, however, a very extraordinary fact, that, with all the efforts we had made to induce persons to give the best form and description of ship, it was difficult to find any exact principle which could be said to be really the best. This was particularly exemplified in the last trial with the brigs. It was impossible for any one to fancy the bottoms of two ships more different than the bottoms of the *Espiégle* and *Flying Fish.* You would suppose, when you looked at them, that one must be very bad and the other very good. They go out on trial by the wind and against the wind, and sail as nearly alike as possible. The *Espiégle* was, to a certain extent, the better ship; inasmuch only as she carried five months' provisions—the other little more than three. The Admiralty hoped soon to be able to come to some conclusion where the best points of the different vessels were. On the subject of a general system he might mention that there was a very extraordinarily successful builder who certainly had built the best frigate now in the Navy—he meant the late Admiral Hayes—he had a plan, but no system; his plan was to take certain distances from the midship section. He might also mention the name of Lord Dundonald, who had stated that a perfect parabolic curve was the curve of least resistance, and consequently would prove the best for passing through the water; the Admiralty had, therefore, built a steamer upon that plan, to try it. Mr. Fincham had drawn lines upon that principle for a sloop of war; but the Admiralty wished first to try it, to see whether it had the real power supposed by Lord Dundonald. Should it be proved that that was the true way of building, we should at last get an exact principle, and have nothing further to do than determine the size. He would not give any opinion upon it before it was tried; but he mentioned it to show that the Admiralty were listening to everything; saw and heard everybody; when anything appeared practicable they gave it the fairest trial; and if a Commission or Committee were now appointed it would only interfere with and put a stop to these experiments. As regarded the present building of our ships, he had said the other night, and he begged the Committee would remember, that when the Admiralty came into office the *Queen* was at Spithead ready to sail. The present Surveyor of the Navy had, at that time, the general management of the dockyards and of the building, and every Report which came to the Admiralty stated that the two best ships in the Mediterranean were the *Queen* and the *Vanguard.* He asked the hon. and gallant Commodore whether the Admiralty could at once stop the building which was then going on? They could not; but wanting steam vessels, and small vessels more than large vessels, they forwarded a certain number of them, and checked the progress of the large vessels. Afterwards, when the *Queen* came home, they stopped entirely the larger class of two-deckers, and hurried forward the *Albion,* being determined not to go on with others till they found how she answered. They manned her and sent her to sea; they ordered her to join the other ships, and the *St. Vincent, Caledonia,* and *Albion* had a trial; and certainly it was surprising, after what the Admiralty had heard of the *Queen,* to find her so bad as she was. She did the worst of all. There was, however, this to be said, that a trial of ships in the Bay of Biscay was somewhat different from a trial of ships in the Mediterranean. The Surveyor being perfectly sure that he could remedy the evils which became apparent on the *Queen's* cruize, it was but fair and just to an officer who had done so much for the nation, who had built so many valuable ships, and who was a most excellent person, and perhaps, one of the best sailors in Her Majesty's Navy, to give him an opportunity of doing so. They, therefore, gave him leave to dock the ship and alter her as he thought proper. The gallant Officer was alarmed at what the Surveyor was doing; but if she was made a good ship, the Admiralty would not mind whether or no she had a bustle. She would be sent out with the *St. Vincent*, which shone so much the other day, and the *Trafalgar*, three-deckers; also with the *Albion* and *Rodney*, 90-guns on two decks, and the *Vanguard*, *Superb*, and *Canopus* — the *Superb* having had her bow lengthened, according to the new plan —and then it would be seen what advantage was derived from any of the recent alterations; and the Admiralty would adhere to that plan which proved to be the best. He had great hope that they would be able to send out for trial a squadron of steam boats after the trial squadron of these large ships. He hoped he had said enough to induced the House to reject the proposal of the hon. and gallant Officer.

Captain *Berkeley* observed that, as to one of the steamers, he understood that the guns had been obliged to be made for the vessel, and not the vessel for the guns. That was a very great mistake in the construction. On account of the stern, guns of a particular construction were obliged to be put into the vessel; therefore she was only calculated to carry certain guns, if she could find them. He might say, however, from his own observation of the management and appearance of steam vessels, that Great Britain was as much superior to any other nation in steam vessels as she was in sailing vessels. Steam as yet was only in its infancy. He had read with some interest the pamphlet which had caused so much sensation, written by the Prince de Joinville, a man holding so high a station in the Navy of France; and having read it, he was extremely glad to hear what had fallen from the gallant Officer and the Secretary to the Admiralty as to the steam navy. He was obliged to his gallant Friends for bringing forward this question, because he thought it a question of vital importance. He did not attribute to the Prince de Joinville that enmity towards England which was generally attributed to him for writing that pamphlet. With quite as much reason might it be said that the House wished for war with France, because they were endeavouring to point out the best means for carrying out steam navigation. It appeared to him that without going to any great expense, the present or any future Admiralty might lie on their oars as to steam boats. The gallant Admiral had given it as his opinion that in steam we were numerically superior to any other nation; but at the same time he might suggest to the hon. and gallant Admiral, that the plan might be carried into effect with little or no expense to the country; and he put this forward, because he was well aware that there were men in the House who objected to an increase of the Navy Estimates, and who would endeavour to persuade the House that it ought not to take place. With these Gentlemen he could not concur. He fully appreciated what was doing by the Admiralty. He was prepared to support them in the increase they had asked for, for the best of all reasons, to preserve the peace of Europe. As to the Prince de Joinville's schemes for putting himself on an equality on the seas with Great Britain, we must be very supine and idle indeed if, when the Royal Author had been kind enough to furnish us with his tactics, we were not prepared to counteract them. The conclusion to which the Prince came was, that having got rid of seamanship by doing away with sailing vessels, he would bring the conflict to one of hand to hand, and carry it by boarding. On this he could only say, that in ninety-nine cases out of 100, where such conflicts had taken place, they had been in favour of this country. He would not further trouble the Committee by observations on this exciting topic; he would only say, that, if such were to be the tactics of any nation, the Executive Government of Great Britain had it in their power at little or no expense to have a fleet of steamers equal not only to France, but to the whole world. Let them look at the ports of London, of Liverpool, of Glasgow, and at all our out-ports, and they would see what a vast number of steam ships might, in a very short time, be made available for the purposes of a steam war. To steamers of a certain tonnage he thought some boon ought to be given—some exemption from port dues, or something of that kind, should be held out to them as a bonus, to induce them to place their masts and their hatchways in a mode to be approved of by an officer appointed by the Government. Those steamers might be so constructed, under such a system as he had pointed out, as to be able to carry the pivot guns, which could be easily fitted, and then they would be at once available in case of war. The Board of Admiralty would, as a matter of course, have a list of such ships; the price of them ought to be previously fixed between the Government and their owners, and by paying that stipulated price the Government would have them at their command at any moment they might be required. It might be asked, having got the guns on board, how are the ships to be manned? He would suggest that one division, at least, if not the whole, of the marine force should be turned into Marine Artillery. With such a force as that, there was one great advantage: seamen entered the Navy for a limited and an uncertain time; the marines were enlisted for twenty-one years, so that they were always at the command of Her Majesty's Government; and therefore with the crews of those vessels, and some twenty or thirty of the Marine Artillery, they were ready for immediate service. He was ready to go all lengths to increase the naval strength of the country; but at the same time he thought it was due to those from whom the money must come—that the expense should be curtailed as much as possible. He, for one, thought that great credit was due to Sir Wm. Symonds. Although some of his vessels had turned out failures, still he had done more good to the Navy than any other man in it. In all these discussions, he trusted that all party views would be thrown aside, and that all would have only one end in view, viz., the maintaining the Navy of Great Britain in an efficient state —not for the purposes of war, but to put down the clamour for war. Let the world know that England was so prepared that she could not be forced into war with impunity, and that would go far towards preserving peace.

Captain *Rous* said, the right hon. and gallant Admiral the Member for Ripon had accused him of finding fault with everything which emanated from the Admiralty; but he could appeal to his friends if on all occasions it did not give him much more pleasure to approve. The right hon. Admiral had compared the *Inconstant* to the donkey frigates; but the *Inconstant* was 940 tons — the donkey frigates 500. He merely mentioned this to prevent the House from being under a wrong conception. With respect to the large sum of money proposed to be added to the Naval Estimates for building and the improvement of Her Majesty's steam vessels, and for the basins constructing at Portsmouth and Devonport, he did most cordially thank the First Lord of the Treasury for having selected these national works as a proper outlay for public money; but when he saw so large a sum as 1,273,789*l.* to be applied to the building and repairing of ships, he should wish the House to be put in possession of the actual state and condition of Her Majesty's Navy. To attain this object, he had prepared a Motion for a Return of all ships in active service, in ordinary and building, specifying their rates, tonnage, capacity of carrying guns, when built, by whom, and how many years they had been at sea; and a particular account of those ships then building by the Surveyor of the Navy which had been suspended by the present Board of Admiralty, until they could make up their minds whether they were adapted for Her Majesty's service. But the right hon. and gallant Admiral objected to every item of the Motion, on the plea that it would not be prudent or advisable to give information to all the world of the actual condition of Her Majesty's Navy. This might be a plausible argument; but if their Navy was in the flourishing and efficient state, which they had a right to assume it was in; if in the last seven years they had expended 45,000,000*l.* in Naval Estimates, and upwards of 200,000,000*l.* since the peace, there could be no valid reason why the whole world should not be made acquainted with their formidable position; but if by neglect or maladministration their funds had been expended in building an inferior description of useless ships, let the House of Commons know the worst; for it was an axiom laid down by Mr. Pitt, "that if any national weakness be laid open and examined with true wisdom, it is more than half redressed." Therefore he could not admit the validity of the excuse which the right hon. and gallant Admiral made for concealing the mysteries of the dockyards. If the gallant Admiral flattered himself that their neighbours were ignorant on this subject, he was much deceived. The Minister of the French Marine was not only well acquainted with the condition of every ship we possessed, but he knew the character, age, and infirmities of every captain and commander-in-chief we sent to sea. But one great Power was kept in extreme ignorance which ought to be enlightened on the subject, namely, the Representatives of the inhabitants of a great maritime Empire—the British House of Commons. This subject had long attracted attention. At an early period, in 1806, Commissioners were appointed to take into consideration the abuses which existed in Her Majesty's dockyards, and to report on the state of shipbuilding. They pronounced a most decided opinion that it was imperative to put an end to the want of foresight and due consideration which might lead to so much danger to the country. If the Motion of his hon. and gallant Friend were acceded to, the Commission in 1845 would have the same result as in 1806; and if no objections were made to exposing their national weakness during a war of extermination between France and England, in 1806, he could not understand the nature of such objections during the present period of profound peace. In the absence of official documents, he must take Captain Haultain's *Navy List* as his guide. On the 1st of February, according to that, there were 189 vessels of war in commission, including 10 sail of the line (since augmented to 15), in ordinary 306, and 82 ships building. They had 88 ships of the line afloat, including 21 three-deckers, and on the stocks building 7 three-deckers, 6 90-gun ships, and 10 80-gun ships, amounting altogether to 111 sail; 30 of these ships carry from 72 to 70 guns, and were considered of not sufficient calibre to form a line of battle, but they might be converted into magnificent 50-gun frigates. He therefore asked the right hon. and gallant Admiral why he was building six 50-gun frigates? He knew the argument which would be used, that the French were building a large Navy, that their system corresponded with ours;

> "Pacem orare manu, præfigere puppibus arma."

But he wished to impress upon the House that a moderate number of ships in an efficient state was better than a large force lying rotting in the rivers. Of the twenty-three sail of the line on the stocks, seventeen were on the construction of the Surveyor, and he had been ordered to stop work on them; but six of these were so far advanced that they could not be altered. Large sums of money had been expended upon them during a period of upwards of three years since the present Admiralty had been in office; though to his knowledge there had been a conviction on their minds that the Surveyor's line of battle ships would not answer. They had certainly given orders to two admirals to try the new three-decker, the *Queen*, and it was equally certain that their orders had been disobeyed. A natural question arose—whose fault was it? He left that question to be answered by the right hon. and gallant Admiral. Again, he thanked the First Lord of the Treasury for his anxious solicitude to promote the best interests of the Navy, and for his proposal of keeping ten sail of the line always manned on the home station; the object of his right hon. Friend being to maintain an active force ready to act on all cases of emergency. He regretted to say that this apparently wise plan would not be so fully productive of public advantage as the House might anticipate. He must premise by observing that a line of battle ship was notoriously the worst school for making officers and seamen. A young landsman, or ordinary seaman, would learn more in six months in a cruiser than in six years in a ship of the line. And he must say the same of young officers; those brought up in large ships rarely learned their duties as seamen. These ten sail of the line were to be commanded by officers sixty years of age, excepting the flag ships, which were generally commanded by the nearest relations to the commanders-in-chief. These old officers were the men proposed to re-instruct in the evolutions of a fleet which they had lost sight of for thirty years; and the result would be, that this squadron would settle down into idle, lazy habits—just the same as the last fleet they maintained in the Mediterranean. If they wanted an active fleet, they must employ active officers. In the event of sudden war the first object was a fleet of steam-vessels and cruisers, which would swarm like a flight of hornets on the enemy's coast. In the event of war they would not look to admirals and captains between seventy and eighty; they would require young officers, with some knowledge of the evolutions of a fleet; and under their present system they were not to be obtained. He would now mention to the House his proposal; which was to keep twenty sail of the line as advance ships, ready to be commissioned at three days' notice; and instead of the ten sail of the line in commission, which would keep 5,000 seamen comparatively inactive, that they should employ these seamen in frigates, corvettes, and brigs, and put them under the orders of an active commodore. Let their head quarters be Cork; for he could assure the House by experience that no squadron could be kept in good discipline at Portsmouth or Plymouth, where the seamen's wives were constantly on board. Let the commanding officer of this flying squadron keep his ships cruising at sea, and performing all the evolutions of a fleet. Order every frigate and ship of war to join this squadron, and undergo six weeks' drill before they proceeded to a foreign station; and by these means they would teach their young officers the necessary duties of a fleet; they would instruct them to act together; they would infuse an *esprit de corps* into what was at present an inanimate service, which they might re-invigorate by promoting and encouraging the most active and intelligent officers. Then, if their political horizon were obscured, they were ready for any emergency. If their foreign relations were disturbed, they could at once double their force, without having recourse to the pressgang; they could turn over their frigates' ship companies into the advance ships of the line, their corvettes into frigates, and, filling up the vacancies with landsmen and ordinary seamen, they could at once possess a giant's strength without trespassing on the rights and interests of the mercantile marine. Their attitude would be commanding; they would be ready to strike the first blow; they would have an active force to protect the homeward-bound shipping; and in the event of a war becoming inevitable, they secured, not only these valuable merchant ships, but the still more valuable services of good seamen, who might otherwise be captured and consigned to the miseries of a foreign prison. This was his plan; and it would not entail one sixpence additional expense to the country. He was glad to hear from the right hon. Secretary of the Admiralty that a retired list of captains was about to be proposed. While that report was current, he must inform the House that in the French Navy, by an Ordinance of June, 1841, lieutenants were placed on the retired list at 55 years; captains of corvettes at 58 years; captains at 60 years; rear-admirals at 65 years; and vice-admirals at 68 years; the full admirals only having the same compliment paid to them which was here conceded to worn-out officers of every grade—they were retained on the active list. He felt it his duty to inform the House, that at the present time, on the most important of their naval stations, the commander-in-chief had been sixty-eight years in Her Majesty's Navy. [Sir *G. Cockburn:* No, no.] If Captain Haultain's *Navy List* could be relied on, the commander-in-chief entered Her Majesty's service in 1777. He had now done his duty to the best of his ability; condemning where he thought it necessary, and praising where he believed praise deserved; he hoped, although this proposal emanated from him, that the Admiralty would take it into its serious consideration; he was convinced if it was adopted, they should be ready for any emergency.

Admiral *Bowles* said, in the trial of the qualities of the *Albion* and the *Queen*, the superiority of the latter vessel was so decided, that it was not considered necessary to keep her at sea any longer. The remarks, therefore, that had been made as to this trial might have been spared, as they were not merited.

Captain *Pechell* was quite sure that the gallant Member for Westminster had no intention to reflect upon the zeal and ability of the gallant Admiral. He knew that the gallant Officer acted under the orders of the Admiralty, and that he acted as he thought was most discreet. No one had found fault with the tests which had been applied to the ships; they complained that the trials had not been sufficient, and that the Admiralty had gone on building vessel after vessel without being satisfied that they had obtained a proper model. When the gallant Admiral was appointed to command the squadron, he was satisfied that, at all events, they would have an honest and a fair Report; and he was perfectly certain that no officer could have done more, in the time, than the gallant Admiral, to bring out either the good or the bad qualities of the ships. He was not one of those who had ever disparaged the Navy; but when he sat on the other (the Ministerial) side of the House, he had heard attacks upon the service from many Officers who now sat opposite and in the other House the attacks made were preposterous. It was said that Admiral de Rigny must be far more efficient than our officers; and why? Because he always appeared in his uniform. He, for one, was not afraid of the enemy coming over and burning our ships in the Medway; or any of the other absurd statements which were made, but which could only be attributed to the most prejudiced party and political motives. Those hon. Gentlemen who were so furiously jealous of the national honour a few years ago, because we had not a navy at Portsmouth, and Plymouth, and Sheerness, were now as silent as mice. He knew not whether there were any of them now in the House; but if there were he hoped they would give the gallant Admiral opposite credit for his endeavours to put the steam navy on an efficient footing. He must, however, say, that he did not think that sawing a vessel in two, adding to her length, and putting a steam engine in the middle of her was an example that ought to be followed. He hoped too that whenever the gallant Admiral would be constructing steam vessels, he would place the propelling screw in vessels adapted for the purpose. It was more than two years since he drew the attention of the hon. Gentleman opposite (Mr. S. Herbert), who then acted in that department with the greatest efficiency, but had since left it to the great regret of all those connected with that branch of the service, to this subject; and he was then told that the Admiralty were sincerely desirous of bringing out the screw propeller invented by Mr. Smith; that they would try it in the *Rattler*, and would test it in every possible way. He had pressed the gallant Admiral to place the screw in the Royal Yacht; that was not done; but he now saw that it was to be fitted up in a smaller vessel,to be attached to the Royal Yacht. By means of the screw they got rid of the paddle-wheels and machinery, that occupied half the sides of a steam frigate, and made it quite absurd to talk of her broadside. He trusted that in the construction of these vessels fair play would be given to all parties, and that they would admit Mr. Smith to be entitled to the thanks of the country, and to some substantial reward suitable to his merits. He would say that in the construction of those large ships to which allusion had been made, he thought Sir W. Symonds did deserve the thanks of this country. No doubt Sir William acted in a manner by no means pleasing and flattering to those who did not approve of his models; and though he was not a shipwright by trade, yet he was a seaman by trade, and therefore had the advantage over Sir Robert Seppings, and those other Surveyors who never left their seats at Somerset-house, and knew nothing of the capabilities of vessels except upon paper. The present Surveyor was able, not only to build but to sail a ship as well as any man in the Navy, and had overcome great difficulties, and given fine models to the service. But if he did rebel against those attempting to correct any part of his system which might be improved, they need not be prevented by false delicacy from adopting means to correct his mistakes. He was glad that the Admiralty had given encouragement to that eminent shipbuilder, Mr. White, of the Isle of Wight, who had done great service to the country. It was only right that they should have competition. The late Board of Admiralty gave no encouragement to Mr. White. This was the source of his principal battles with them. Whenever he introduced the name of Mr. White, or any other person, who built on a different system from the Surveyor, they looked upon him as if he were disposed to be factious. The present Board of Admiralty had done eminent service to the country by encouraging naval science; and the late Board had also done great service by getting rid of the old Navy Board, who were as unfit for their office as old women. Our Navy had now arrived at a state in which we could bid defiance to all the Navies of the world. We had had for some years a large squadron on the coast of Africa for the prevention of the Slave Trade. But there was at this moment, to the surprise of all Europe, a Commission sitting in London, to find out in what manner the Treaties of 1831 and 1833 could be abrogated; and, therefore, the squadron for which they were now called upon to vote a sum of money might be in a few weeks declared useless and be withdrawn. The Government had done great service to the Navy and the cause of humanity by sending out to the African coast vessels fit to cope with the fast-sailing vessels built in the United States expressly for the Slave Trade. A great proof of the efficiency of our cruisers on that coast was to be found in the fact that out of sixty-three vessels captured there within the last two years, nine only had slaves on board. He hoped that the Government would resist all attempts to abrogate the "Right of Search" Treaties, and that the House would at once mark its sense of the utter inutility of any proceeding for the suppression of the Slave Trade which did not go to the blockade of the coast of Africa as the most effectual. He would, in conclusion, say, that he hoped when the officers on the African station returned home with probably broken frames and shattered constitutions, they would meet from the Admiralty with those rewards which they prized more than money.

Captain *Carnegie* said, that as the commander of one of the much maligned vessels that had been alluded to in course of the debate, he could not refrain from saying that she was the pride of our own service, and the envy of foreigners. As compliments seemed to be the order of the day, he could not refrain from adding, that the conduct of the Admiralty Board in sending one of their own body to witness the experiments and judge for himself, had given great confidence and satisfaction to the commanders of the vessels.

Mr. *Hume* said, although the observations made in the course of this discussion would no doubt be productive of good, as such suggestions very often were, yet the discussion itself appeared to him to be irregular. The real question before the House was what should be the number of men employed in our Naval Service, and what the expense of that service? When the right hon. Baronet brought forward his Budget, he stated, that he would reserve any further observations which it might be necessary to make on this subject until the Estimates came under discussion. Under these circumstances, he had expected that the right hon. Baronet would then be prepared to state why there should be such an augmentation of the naval force at the present time, especially after the House had been informed in the Speech of Her Majesty that friendly relations existed with France and other countries. When it was proposed to increase the Navy, the Army, or the Ordnance, in former years, they were told that the object was to enable the Government to carry on this or that enterprise, or to prepare for the forces of France, Russia, or some other Power. For what purpose, he would be glad to know, was the present addition to be made? What was the situation of this country now as compared to that situation ten years ago? Surely the peace of Europe was better consolidated at present than it was at that period. There was as much harm done by keeping up too large a force as by maintaining too small a one. By keeping up an overwhelming force they raised the suspicions of other Powers, and induced them to increase their establishments, in order that they might be prepared for any event that should arise. He would be the last man to object to the Navy being made stronger if it were necessary for the public security; and if any branch of the Public Service was to be reduced, he would rather it were the Army than the Navy. But when the whole country was complaining of excessive taxation, he thought the House of Commons were bound to ascertain why an increase was proposed. Two or three simple facts would show the necessity for explanation. The year 1835 might be taken as a fair criterion of expenditure under the late Government. There were, at that time, in the Army, the Navy, and the Ordnance, 115,000 men; they were now called upon to maintain 149,000. There were in the Navy, in the years 1835 and 1836, 26,500 men, including marines and boys; they were now asked to vote 40,000 men. At the former period, there were 81,271 men in the Army: they were now asked for 100,000 men. In the years 1835 and 1836 there were 7,200 men in the Ordnance Department; and their number was now to be raised to upwards of 9,000. The aggregate number of men at the former of these periods was 115,000, whereas the aggregate now proposed was 149,100. Why there should be a difference of 34,000 men between the two periods he could not conceive; and he would be glad to hear from the right hon. Gentleman the Chancellor of the Exchequer, or from some other Member of the Government, a distinct explanation of the matter. In the year 1792, the whole force of the British Navy did not exceed 16,000 men; yet they were now asked to make an increase of 24,000. Was it on account of the United States of America that the addition was to be made? He admitted that if the language of the Members of Congress was to be taken as any indication of the feelings of the Government, there might be some cause for apprehension. A more unprincipled set did not exist on the face of the earth. But he hoped that a better spirit actuated those who had the direction of the Executive power, and that there was no real cause to fear any interruption of harmony. A greater calamity could not happen than a war between that country and our own. The inhabitants of both were of the same race, and what the one nation wanted it was in the power of the other to supply. In 1835 and 1836, the whole expense of the Army, Navy, and Ordnance, was 11,000,000*l.* It was now proposed to vote 15,000,000*l.*; and the expense of shipbuilding, of provisions, and of other items having much diminished since that period, the difference would be found to exceed 4,000,000*l.* In 1835, 1836, and 1837, the Army, Navy, Ordnance, and Miscellaneous Estimates amounted to 4,000,000*l.*; the sum at present was 19,000,000*l.* If the expense were not greater now than it was ten years ago, the Government might take off taxes to the amount of 5,000,000*l.* One reason alleged for increasing the Estimates was the necessity for improving the naval steam force; but that argument could hardly be used after the statement of the gallant Admiral (Sir G. Cockburn) that our steam force might be taken at 30,000 horse power, in comparison with 20,000, as the amount possessed by any other country. He might be too sanguine, but he did not expect that a war could arise during his lifetime. He agreed with the gallant Commodore, that whatever ships they maintained, should be kept fit for immediate service. As he thought that the proposal of the Government required explanation, he should, for the purpose of enabling them to afford it, propose to reduce the Estimate to what it was in the last year. The hon. Member concluded by moving that the sum voted should be 36,000, instead of 40,000 men.

Mr. *Sydney Herbert* wished to say a few words in reference to what had fallen from the hon. Member for Montrose. The hon. Member complained that no explanation had been given as to the reason why an increase was proposed in the Estimate for the Navy. Why, on proposing the continuance of the Income Tax, the right hon. Baronet the First Lord of the Treasury distinctly explained the grounds of the proposals made by the Government. He spoke of the impossibility of reducing the Army, of the necessity of increasing the Navy, and of the desirableness of enabling the Government to make great financial experiments; and upon the several grounds brought forward on that occasion, the hon. Member for Montrose himself voted for the renewal of the tax. Now, he would not touch upon the question of naval efficiency, as that had been very fully dealt with by the gallant Admiral (Sir G. Cockburn). It had, been admitted that the system of employing experimental squadrons to test the merits of different kinds of vessels not only was necessary, for the discipline and efficiency of the officers and men, but must ultimately be of great benefit to the country, by enabling the Government to build good ships by means of experience, instead of bad ones by guesswork. If it were necessary to test the relative merits of line of battle ships, he need not say that the same necessity existed in the case of steamers, and all other vessels employed in the service. So much for the experimental squadron; but now for the commercial part of the question. The hon. Member must not forget, that since 1841 a demand had arisen for an addition of 6,000 men for commercial and political purposes. An increase was required in the vicinity of China for the protection of commerce; on the coast of Borneo for the suppression of piracy; in the Pacific on account of the extremely unsettled state of the countries in South America; on the coast of Africa, nearly 200 men have been added to the force employed in the suppression of the Slave Trade. An increase of not less than between 6,000 and 7,000 men was thus demanded, chiefly to secure commercial objects. The hon. Member said the country was in a state of peace, and that he did not expect to see that peace interrupted; but a mere expectation on his part would not satisfy those whose property would be rendered insecure by the inadequacy of the naval force. It must be recollected that our commerce was daily extending itself everywhere, and that that extension necessarily entailed upon the country some degree of expense. The next question the hon. Gentleman asked was, why in the time of profound peace the Government were incurring the expense of building line of battle ships and steamers? and the hon. Gentleman stated that our horse power was greater than that of any other Government. That, however, did not appear to be a very sound mode of argument. We were obliged to spread our Navy over the whole face of the globe, in consequence of the immense extent of our Colonies and commercial transactions; while other nations, who were not under this necessity, were able to concentrate all their force in their own ports. That ought not to be left out of view in instituting the comparison which the hon. Gentleman had put forward. The hon. Gentleman said, "Wait till there is a war before you go into these expenses, and in the first year of it you may build all the ships you require;" and then he said that fifty ships of the line were all we could man. But it was not safe to trust to the possibility of raising the Navy to an efficient state at the last moment: an enemy will not wait for you to build your ships, and a line of battle ship takes five years in building; and however extraordinary it may appear, there is not to be had in this country timber to build four line of battle ships more than we are now building. As to the latter assertion of the hon. Gentleman, in the last war we had 120 ships fully manned; but this experiment of building in war time has been already tried. An instance in point was the building of the ships called "the Forty Thieves," which were built in a hurry, so that there was no time to take precautions that they should be built of proper materials; and the result was, that they had cost much more in repairs than they could possibly have cost, had they been properly constructed at first. Then the increase of expenditure was not merely for shipbuilding; many of the ships were very old, and wanted considerable repairs. It must be remembered also, that much of the expense arose from the new establishments for repairing steam vessels at Plymouth and Portsmouth; and no one has disputed that those establishments were indispensably necessary. Large works and expensive works they are; but he had opportunities of comparison, and he could assert that those establishments cost not one tithe of the money that was laid out for the same purposes in other countries. A full explanation of the necessity for these increased expenses had been given by his right hon. Friend at the head of the Government, which he (Mr. Sidney Herbert) thought would be better remembered by the country than it had been by the hon. Gentleman.

Mr. *Hume* denied that the right hon. Baronet had given any explanation of the necessity for further expenditure in this department. It was absurd to send ships of war to all quarters where our commerce reached. With respect to the Slave Trade, he conscientiously believed that all the Acts of Parliament by which our seamen were sent out to blockade the coast of Africa had signally failed in their object. Sir T. F. Buxton and all the supporters of those measures had stated that things were now worse, rather than better, than they were. He, for one, regretted that so large a portion of our seamen should be sent to die on that deleterious coast.

Lord *Ingestre* regretted that the explanation of the right hon. the Secretary at War had not been satisfactory to the hon. Gentleman. His hon. and gallant Friend had alluded to the retiring allowance for old Naval Officers. He knew that that allowance was looked upon as a great boon by the service, and that it would tend materially to promote its efficiency. He considered the thanks of the country were due to the present Board of Admiralty for the way in which they had administered the affairs of the Navy, which were in a much more efficient condition now than it was when hon. Gentlemen opposite quitted the seats of Government. The trial cruises now encouraged were doing very great good, and he was glad to see the fair and equitable basis on which they were arranged. The country would soon begin to reap great advantages from this system. With respect to the question of shipbuilding, it was a matter of regret to him that the School of Naval Architecture had ever been given up — for there men got an elaborate and adequate education in that most necessary science, and at an expense too which the country never grudged. It was a painful fact that the build of the vessels of other nations was so far superior to our own. None of our vessels were equal in construction to the *Tonnerre* and *Canopus*, and others he could name—all of them old French-built vessels. It was a disgrace to a great maritime Power like England that the very best ships in her Navy were those which had been taken from the enemy. Then, again, with regard to the cost of the hulls alone of vessels built by the present Surveyor of the Navy since he came into office, we have, what with vessels afloat and those in hand, an expenditure on line of battle ships of more than 780,000*l.*; on frigates 230,818*l.*; on corvettes about 46,267*l.*; and on brigs and smaller craft above

190,000*l.* — making a total of about 1,356,256*l.* Now this, he considered, was indeed a large experiment to make with ships built on a paltry principle. Even among those ships thus built there were hardly two alike, though stated to be built on the same model. And on these same vessels, provided the Admiralty would give a return, there would be found to have existed a very great wear and tear. He, therefore, considered it very wrong that so important a question should be left in the hands of one man. There had also existed a habit of getting rid, on small pretences, of the older vessels, to make way for this new class of ships, and, were it not for fatiguing the House, he was able to read to them many instances in point. He could not, however, close the subject on which he was addressing the House without referring to the manifest failure in the steam vessels built on this plan. They had proved themselves bad as packet and passage boats, and, therefore, he might fairly infer they were useless as fighting vessels. The Government steamers, for example, on the station between Liverpool and Dublin were so noisy and disagreeable, that no person who went one voyage in them would venture on a second. The Government steamers on the Mediterranean station were equally defective; some would not carry the armament for which they were intended, in consequence of their draught of water being greater than was calculated upon; others would not steer, and the expense of altering to cure their defects was enormous, and, what was worse, it was generally incurred without any beneficial result, as the evils were too often found to be irremediable. There was the *Gorgon*, which was to have been one of the wonders of the world, both as to the armament she was to carry, and her engines—she was found to float so much deeper in the water than was expected, that she could not carry her guns on the main deck; and though intended to carry 1,000 troops, it was found that she was unfit for conveying troops at all. There was also the porpoise of the Navy, the *Penelope*. In fact, none of the present Surveyor's vessels would float within one foot of the proposed water line. This necessarily altered the expected position of the vessel in the water, and materially affected her sailing qualities. The Yacht built for Her Majesty by this gentleman was one among those failures, even in the simple point of steering; and it could not be denied that unnecessary expense had been incurred to make this failure at all seaworthy. He took the liberty then of calling the attention of the House to this subject, because it was one which had never been fairly gone into. He trusted, too, that some Board for scientific instruction in this branch would be appointed. There was a College of Engineers for the Army, why should there not be one for the Navy? For we would have soon to depend on science alone. He would give his consent to have as many fleet evolutions as possible; but it was not to be considered necessary to go to the expense of building large ships for that purpose, as when the smaller ones were employed the same good resulted, with this difference, that in the latter instance the younger officers would be more benefited. But as he believed the hon. Member for Montrose did not mean to divide the House on the question, he would not detain the House, and only hoped it would bear in mind some of the few matters which had been alluded to by him.

Mr. *W. Williams* thought sufficient had been stated that evening, and that too by men of the highest practical experience, to warrant an inquiry into the present state of the Navy. He had heard complaints made publicly of the unfair mode of advertising the contracts of the Navy. He had been informed of that. [*Cries of* "Name, name."] Those who had given him that information were placed in a delicate position; but he believed it was a matter of perfect notoriety. He thought his hon. Friend the Member for Berwick had stated that it was absolutely impossible to comply with the terms of the contracts, and that the Admiralty were always obliged to relax. [Sir *G. Cockburn:* Does the hon. Member allude to timber?] He did; and he believed that the same objection applied to all the contracts made in the dockyards. He considered that the Navy ought to be maintained in a state of such efficiency that we should be prepared to meet any emergency; but in the Estimates for the present year large votes were proposed for different departments with regard to which he thought some explanation should be afforded to the House. He found that the Navy Estimates for 1835 amounted to 4,200,000*l.*; this year they were 6,900,000*l.*, showing an increase of 2,700,000*l.* The right hon. the late Secretary to the Admiralty had given some reasons for this increase, which to his mind were not satisfactory. The right hon. Baronet (Sir R. Peel) said, when he expounded his financial scheme, that the object of the increased vote was to keep ten sail of the line in a state of efficiency; but how did it happen that the Estimates for the present year exceeded by 200,000*l.* those of 1841, when we had twenty-six sail of the line at sea? The hon. Secretary to the Admiralty had stated that a considerable force was necessary for the suppression of piracy in the Straits of Borneo, and for the protection of our trade in the River Plate, and on the coast of South America; but it must be remembered that the same necessity had existed for years past. The increase in the Navy Estimates was attended by a large increase in the Army and Ordnance Estimates. In 1835, the Estimates for the Navy, Army, and Ordnance were less by 3,900,000*l.* than the Votes proposed for the same services in the present year. In defending the increased Estimates reference had been made to the state of affairs on the other side of the Atlantic, and perhaps we had more to fear from that quarter than from any other; but he begged the House to observe that the increase of our Naval and Military Estimates exhibited by the present Votes over those of 1835, exceeded the whole annual expenditure of the United States for the three corresponding departments. The present Estimates exceeded those of any year since the peace; and he should like to hear what circumstances rendered such an increase justifiable. The Votes for the present year considerably exceeded those for 1841 and 1842, when a war with China, and the state of affairs in the Mediterranean, rendered the maintenance of a large fleet indispensable. He found there was an increase in 12 out of 16 Votes for the Navy; and the reductions effected in the remaining 4 Votes amounted only to 11,000*l.* In 1818, just after the conclusion of a long and expensive war, the Vote for half-pay and pensions was 1,230,000*l.*; in 1822, it was 1,354,000*l.*; and now, after twenty-nine years of peace, the Estimates under this head amounted to 1,377,000*l.* He was convinced the public would not be satisfied unless a full explanation was afforded on this subject. The total expenditure for public improvements in the Naval Departments during the last six years was 1,600,000*l.*; and yet it was proposed to vote 486,000*l.* this year for improvements in the dockyards, and in the construction of basins for war steamers. There was a considerable increase also in the Estimates under the same head in other Departments. In the Ordnance Estimates a Vote of 517,000*l.* was proposed for the construction of barracks and for other similar purposes; the total Estimates in both Departments under the head of "public improvements" being 1,003,000*l.* He hoped that some Member of the Government would condescend to give an explanation of their reasons for such an increase.

Sir *Charles Napier* observed that the right hon. and gallant Officer opposite (Sir G. Cockburn) had stated that he (Sir C. Napier) had imputed bad motives to the Board of Admiralty. He utterly denied having done so. He had imputed no bad motives either to the present or to any former Board. Neither had he, as the right hon. and gallant Officer had insinuated, taken credit to himself as being the only person present who knew anything of the subject. He utterly disclaimed having entertained for a moment any such idea. But the right hon. and gallant Officer had not replied to the points which he had put to him. He had taken no notice of the list of ships pulled to pieces which he (Sir C. Napier) had read to the House. The right hon. and gallant Officer might certainly have stated that these ships were not pulled to pieces by the gallant Officer's orders. That would have been quite true; but what he wished was to prevent such an occurrence taking place again. It was most unfortunate for the Navy to be ruled by a political body. The Lords of the Admiralty were selected, not on account of capability to fill their important situations, but on the score of family influence and political partisanship. Was it to be said that in the list of 700 captains of the Navy none were to be found capable of acting as Lords of the Admiralty but those who had seats in this House? He was quite opposed to the whole structure of the Board. He had animadverted, too, upon the 90-gun ships, the 98-gun ships, and generally upon the small three-deckers.

He had found fault also with the 44-gun and the 50-gun frigates, as he considered them to be good for nothing. Neither were the sloops of war much better; and this the right hon. and gallant Officer knew very well. But he had not found fault with the old frigates—a class of vessels of which they were getting rid far too quickly. Their services might yet be required, particularly in entering rivers and skirting coasts. Large ships of war would not do all the work which would probably be required. He could not, however, allow the right hon. and gallant Admiral to attempt to persuade the House that the *Penelope*—that porpoise of a ship—was a good man of war. They had heard of what she had done on the Coast of Africa. But when was a gale of wind experienced there? The *Penelope* might do very well steaming in calm weather; but whenever it came on rough she would be unable to carry her guns high enough out of the water. In fact, she was a splendid steam man of war when she had no coals in. There was not a midshipman in the Navy who did not understand the vessel's true character. And then there was the *Queen;* they had heard much of the favourable reports made of her powers and capabilities; but it turned out unfortunately that, in spite of all this, she had never been tried either in the Mediterranean or since she had come home. He thought that the ships at present building should be constructed upon the model of the *Vanguard*, indisputably a good ship. He trusted, however, that there would be a searching scrutiny into the subject of shipbuilding for the Navy. He thought, that the impression in the House was, that if the Admiralty would not give them a Commission upon the point, they should in least institute particular inquiries into the subject.

Mr. *Hume*, though the matter under consideration was of considerable importance, would not, considering the circumstances, give the House the trouble of dividing. Amongst the causes of regret which existed with reference to the Naval service, he could not help saying that one of the most prominent of these causes was the absence of any regulation with respect to promotions; and he earnestly hoped that some rules on that subject would be laid down. It was well known in the service and throughout the country that the First Lord of the Admiralty could give whatever pensions he thought proper —that he could grant increases of pay *ad libitum*—in fact, he could do as he pleased —he could set aside old men and promote young ones. Now that often worked grievous wrong. There were men in the service whose hearts and souls were in their profession; but unfortunately in the Navy political influence determined every thing—it had long been a political department. Instead of being a political department it was exactly the service which, above all others, ought to be kept free from political influence of any kind. He knew it had often been said that the existing system of the Navy was necessary for the purpose of introducing into that service the younger branches of the aristocracy; but he must say that that practice appeared to him to be fraught with much mischief.

Viscount *Palmerston:* I could wish, Sir, before this Vote is disposed of, to make one or two observations on a very important matter to which my hon. and gallant Friend near me has already adverted. It is a subject at all times most interesting, and of vital importance to the country; but it is of special interest and importance at the present moment. Without adverting in any detail, either to the events which have happened in the course of the year, or to those which may happen at no distant period, I think that enough has taken place with regard to our relations with Foreign Powers, to show that it is expedient that this country should turn its attention to its naval means of defence, and should place those means in a state of perfect efficiency—meaning by that, efficiency with reference to a state of peace. When this Government came into power, they flattered themselves that by a system of what they called conciliation, but what I thought excessive and undue acquiescence in the wishes and demands of Foreign Powers, they would be able to maintain such a state of friendly relations with all Foreign Governments as would enable them greatly to reduce the naval and military establishments of the country. That was one of the anticipations in which the Government indulged. They went much too far, consistently, in my opinion, with the interests and the honour of the country; and what has been the result? Why, in the course of the last few months, according to the declaration of the Minister of the Crown, in the

Speech from the Throne, and according to the declaration made in a similar manner in the Speech of the King of the French, we have been on the verge of a serious rupture with France. Again, notwithstanding the great sacrifice of interests and rights made by the present Government as to territory in North America, with the view of establishing, as they contended, for ever the most friendly relations with the United States — the recent official declarations which have come from that quarter have been such as cannot tend to diminish in any degree the motives which this House ought to be actuated by in providing by the vote now under our consideration for the increased efficiency of our Naval Force. Now, Sir, to say that our Naval Force is the main and sole defence of this country would be going a great deal too far; because, even if we had no Navy, a people of 26,000,000, endowed with all the courage and the moral qualities, as well as possessed of the wealth and resources which fortunately this nation can boast of, must be able to bid defiance to any attempt at conquest by any Foreign Power whatever. But such attempts, however successfully they may be met, and however triumphantly repelled, must lead to contests on our own shores. And every man knows that even victories over a foreign invader must be attended by great loss and wide spreading calamities on the part of the country which is the scene of conflict. Therefore, in that point of view, it would be difficult to rate too highly the importance of our Naval Force. If we consider, besides, that we are a commercial country, having valuable interests floating on every sea, and that besides we hold extensive and valuable Colonial possessions, it is clear that the maintenance of an efficient Navy ought to be one of the most urgent duties of the Parliament of this country. Now the first thing we ought to look to in this respect must naturally be the possession of an adequate number of efficient ships. My hon. and gallant Friend thinks the number the Government proposes to keep up is greater than the wants of the service require. I will not pretend to set my judgment in opposition to so high an authority; but I do not partake, according to my information, in his view; and I am not disposed to think the Government are carrying the number of ships beyond what the true interests of the country require. But I do think that the discussion of this evening has shown (if any man doubted it before) that we are come to that pass at which it is expedient for the Government to call in science to the aid of mere practical knowledge, with regard to the construction of ships; because it is all very well for the hon. and gallant Admiral to say, as he has said to-night, that, "in the last war our ships were indeed of a clumsy and unscientific construction; but nevertheless, they outsailed and overtook their enemies, and defeated them, even when manned by a superior force." That does not prove that our ships were good, but that our sailors were so expert, skilful, and enterprising, that they contrived to make our bad ships sail better than the good ships of the enemy could do when manned by their own less skilful sailors; and that thus the energy of our men triumphed over this, among many other difficulties with which they had to contend. And this is proved by the fact that when the French ships so captured were taken into our service, they were admitted by everybody to be in their sailing qualities far superior to the ships by which they had been overtaken and captured. Therefore, I must say, that though the allusion to such events is a fair reminiscence of former glories, it should be appealed to to show the spirit and ability of our sailors rather than the good qualities of the ships of that day. Now it is well known by anybody who has at all turned his mind to the matter, that there is, perhaps, no problem in science—no problem in mathematics—more difficult than to determine what is the best construction of a ship destined for the purposes of war. First of all, it is not very easy, on strict mathematical principles, to say beforehand what form of a solid body is best adapted to go rapidly through a fluid. It is not very easy to say how the best floating line of a ship when fully rigged, manned and equipped for sea is to be secured, and what construction of the hull will give the greatest steadiness. But all those are qualities which a man of war should have. It is not very easy to say beforehand where the centre of gravity will be, nor where will be the verrick centre, or centre of impulse which lies somewhere in the rigging; and yet these are points just as important in their bearing upon the sailing qualities of a ship as the adaptation of the hull to making its progress rapidly through the water. Your practical man cannot tell this. He may give you the results of his experience of this ship or that. He may say the ship you submit to him resembles some good sailer he is acquainted with, and seems therefore to possess what, in his view, are the requisites of good sailing; but he cannot tell you beforehand on what principle its sailing qualities depend. Again, the man of science, though he may tell you on scientific principles how he can obtain the qualities which you require; yet if not assisted by the practical sailor as to the amount and manner of stowage, and its effect on the sailing qualities of the ship, he will not be able to give you a safe model on which to ground your building system. I am told however, that the Admiralty is engaged in making a series of experiments, by giving one man two ships to build, another three, and a third four, and so on; and that the Board is always ready to hear and examine every suggestion that may be offered for their consideration. That is very praiseworthy. So far as it goes, it undoubtedly shows a desire to improve and perfect our ships of war. But with all deference to the Lords of the Admiralty, I do not hold them to be possessed of that scientific knowledge which is one of the elements on which a successful result of such experiments and investigations must depend; and instead of making costly experiments by building large ships under the superintendence of persons scientific to a certain degree, but not having the whole knowledge requisite for such an undertaking, I think the better course would be to invite the most scientific men the country possesses (and they are equal to those of any other country) to give their views on these matters, aided by the experience of practical men. I believe in this way, for a trifling expense, you would procure that knowledge which would enable you to make some considerable progress towards a certainty in these matters—and there are many reasons why absolute certainty can never be attained; but you could thus advance to a strong degree of presumption, that your ships would be likely to answer the purposes for which they were intended. Now, Sir, the class of ships intended to be used as steam vessels is one which peculiarly requires the attention of Government to their construction. It is quite evident that the application of steam power to men of war is, as yet, in its infancy, and that great improvements will in all probability be made in the manner of propelling and constructing such vessels. The right hon. Baronet says, that we are in that respect on a satisfactory footing as compared with other countries; that the aggregate amount of horse-power of our vessels is to that of the horse-power of the steam vessels of France in the ratio of three to two. I do not think that a satisfactory statement. The right hon. Baronet omitted to state what was the proportional number of those vessels; and I am sure he will see that the mere superiority of aggregate horse-power on so narrow a sea as that which separates the two countries will not outweigh equality or superiority in the number of vessels. Such vessels would be used in time of war, not in fleets to meet each other in pitched battle, but singly or in small detachments to harass trade or to annoy coasts, and to check and repel such incursions. Superior numbers of vessels are quite as necessary as superior force. There is another branch of this subject which my hon. and gallant Friend intends to bring under the notice of the House, but which he has properly abstained from touching upon to-night, as it is much too large to be treated in an incidental manner. I hope he will keep his word, and bring it forward on an early day. I allude to the steps which should be taken for the protection of our docks, our arsenals, and our coasts. That is a most important subject. I will not anticipate my hon. and gallant Friend's Motion; but I believe there is no subject which more urgently requires the serious attention of Government, and the assistance and co-operation of this House. There is one other point, however, connected with this subject on which I cannot refrain from saying a few words. I do not at all agree with my hon. Friends who find fault with the amount of the force proposed. I do not require any further explanation from the Government to justify the increase they have made this year in the Navy. But the right hon. Baronet at the head of the Government, in stating on a former night the grounds of that increase, mentioned particularly one head of service, and it has also been dwelt upon this evening—namely, the augmentation of the force stationed on the coast of Africa for the suppression of the Slave Trade. I should most cheerfully—no man more so—concur in any reasonable augmentation of a force intended to be employed for a purpose so honourable to this country, and so entirely in unison with the sentiments and feelings of the British nation for a long course of years; but I must own there does appear to me a great and manifest inconsistency between the proposal the Government now makes, and the course of action which it has pursued on that question. The present Government, I may say, without exaggeration, turned out its predecessors and came into power on the pretence of a desire to extinguish the Slave Trade. "Do not admit Brazilian sugar," said they, "for such an importation must give encouragement to the Slave Trade." Well, Sir, what happened? The very first thing they did after they came into power was to acquiesce in the refusal of France to ratify the Treaty concluded in 1841 between England, Austria, Russia, Prussia, and France, for the suppression of the Slave Trade. The next thing was, that by the accepting the insufficient stipulation contained in the 8th Article of the Treaty of Washington in 1842, they let the United States out of the engagement under which by the 10th Article of the Treaty of Ghent of 1814, they bound themselves to use their best endeavours in co-operation with England to accomplish the entire abolition of the Slave Trade. And now they are about (indeed, they have done it) to give up the mutual Right of Search under the Treaties of 1831 and 1833 with France. Here is certainly an inconsistency; when asked to encourage commerce and give a scope to native industry by a greater importation of Foreign sugar, then they told you that they were apprehensive you would thereby indirectly encourage the Slave Trade. But when the question is as to maintaining the powers absolutely necessary for the suppression of that Trade, then, either from some motive of their home policy, or from a desire to consult the ease and convenience of other Governments, they throw to the winds everything which their predecessors considered essential to accomplish that object. Am I the only person who thinks this mutual Right of Search essential to the suppression of the Slave Trade? Am I the only person who attaches great importance to the co-operation of France in the steps necessary for the suppression of that trade? Why, there are authorities on that subject which the right hon. Baronet and some other Members of the Cabinet, must admit to be deserving of some weight. One of the first things done on the termination of the war in 1814, was a despatch by Lord Castlereagh to the Duke of Wellington, in which is this paragraph:—

> "A second regulation, highly important to prevail on France to accede to, is a reciprocal permission to our respective cruisers, within certain latitudes, to visit the merchant ships of the other Power, and if found with slaves on board, in contravention of the law of their particular State, to carry or send them in for adjudication. Some power of this kind, within the track of the Slave Trade, is of the first importance."

That was the opinion of Lord Castlereagh; and so strongly did he feel that some extraordinary step should be taken to secure this object, that the Prince Regent, by the advice of his Ministers, wrote an autograph letter to the French King, in which he said—

> "Anxious in all matters to concert any measures with your Majesty for the common peace and happiness of mankind, I own it would afford me the highest of all possible gratifications were we enabled together to efface this painful and disgusting stain, not only from the practice of our own, but of all the other States with whom we are in friendly relations. Entreating your Majesty's favourable reception of the representations which the Duke of Wellington is instructed to lay before you on this to me, and to the nation, most interesting subject—I am, &c."

And accordingly the Duke of Wellington's official note, 26th August, 1814, proposes mutual Right of Search within the northern tropic, and as far westward as long. 25 from Greenwich. At that time we were confined within such limits as to exercising the Right of Search with regard to Spain and Portugal, and we did not therefore propose a wider range to France. On the 4th February, 1815, Lord Castlereagh submitted a Memorandum to the Conference of Plenipotentiaries of Austria, France, Prussia, and Russia, which stated,—

> "That it was proved, beyond the possibility of doubt, that unless the right to visit vessels engaged in this illicit traffic should be established by the same being mutually conceded between the maritime States, the illicit Slave Trade must in time of peace continue not only to subsist, but to increase.
>
> "That even were the trade abolished by all States, whilst the flag of one State shall preclude the visit of all other States, the illicit slave trader will always have the means of concealing himself under the disguise of the nation whose cruisers there is the least chance of meeting on the coast.
>
> "As the best means of giving effect to the declarations of the Congress of Vienna of 1814

against Slave Trade, it is proposed that the Five Powers assembled in Conference under the Third Article of the Treaty of Paris should conclude a Treaty with each other upon such enlarged, and at the same time simple, principles as might become a conventional regulation to which all other maritime States should be invited to give their accession. This Convention might embrace the following general provisions:—

"1. To prohibit and punish by law Slave Trade.

"2. To establish a mutual Right of Search.

"3. Minor regulations, such as are in Spanish and Portuguese Treaties.

"But the rights of all nations must be brought to co-operate to the end in view, by at least ceasing to be the cover under which the object which all aim at accomplishing is to be defeated."

This memorandum describes just such a Treaty as was settled before we left office, which France signed but refused to ratify, and points out as absolutely necessary that very stipulation for a mutual Right of Search which is now to be cancelled with the consent of the Government. That Memorandum was transmitted to the respective Courts, and no answer was received till the Congress of Aix-la-Chapelle, in September, 1818. I must here observe that many persons are of opinion that the efforts of this country to put down the Slave Trade have only tended to render the traffic more cruel. But any one who looks at the facts recorded in the official correspondence of the period I am referring to, will find the loss of life at that time quite as great as now. In November, 1818, Lord Castlereagh gave notice to the Conference that he should propose a mutual Right of Search. The Duke of Richelieu objected, but he did afterwards make the proposal, though without any result. Lord Castlereagh again pressed the matter in Paris, but in vain. He states, however, in his despatch, giving an account of his proceedings,—

"That if the subject be pursued with the same persevering and conciliatory temper on the part of Great Britain, which has already achieved so much for the cause of abolition, the French Government may be brought, at no distant period, to unite their naval exertions with those of the other Allied Powers for the suppression of the illicit Slave Trade, under the modified regulations submitted for this purpose to the Plenipotentiaries assembled at Aix-la-Chapelle."

Again, the Duke of Wellington, in his memorandum on the Slave Trade to the Conference at Verona, November 24, 1822, says:—

"But the Slave Trade is not carried on with the usual secrecy of a contrabaand trade. This contraband trade is carried on generally under the protection of the flag of France. The reason is obvious. France is the only one of the great maritime Powers of Europe whose Government has not entered into the Treaties which have been concluded with his Britannic Majesty, for giving to certain of the ships of war of each of the contracting parties a limited power of search and capture of ships engaged in this horrible traffic; and those employed in this service have too much respect for the flag of France, to venture, excepting in cases of extraordinary suspicion, to search vessels which sail under its protection. An endeavour has recently been made to improve these Treaties with Spain, the Netherlands, and Portugal; but no improvement of the measures to be carried into execution under those Treaties, however well calculated under other circumstances to effect the object in view, can be effectual, so long as contraband traders in men can carry on their trade by assuming any foreign flags, especially one in every view so respectable as that of France."

He then proposes a declaration on the part of the Powers whose Ministers are there assembled, that they should withdraw the protection of their flags from those persons not natives of their dominions respectively, who shall be found making use of such flag to cover a trade in slaves.

The Congress of Verona came to an end, and all that could be got from the Members of it was a general declaration of their wish to suppress the Slave Trade, stating

That, in order to give effect to this renewed declaration, their respective Cabinets will enter into the examination of any measure compatible with their rights and the interests of their subjects, to produce a result that may prove to the world the sincerity of their wishes, and of their efforts in favour of a cause worthy of their common solicitude."

Now I have established that which I think no man of common sense could possibly doubt, even if no authority whatever had been adduced to prove it, that it is perfectly impracticable, unless you have a mutual Right of Search, to put down the Slave Trade carried on between the two continents of Africa and America; and, consequently, the Government having virtually given up the mutual Right of Search with France, are acting in a manner totally inconsistent with their own declarations of a wish to put down the Slave Trade, and are now founding an augmentation of the Navy on grounds utterly and entirely fallacious. For I entirely agree with my hon. and gallant Friend the Member for Brighton, that the moment you cancel the mutual Right of Search with France, you reduce your squadron on the coast of Africa to a state of complete inefficiency. For a slaver starting from the mouth of an African river will meet a French cruiser, and will hoist an English flag, and thereby evade all search; she will then meet an English cruiser, and hoist a French flag, and thus she will escape with impunity from the pursuit of either, and laugh at their impotent attempts to obstruct her course. Sir, I think it would be better for Members of the Government not to boast again of their anxiety to put down the Slave Trade; because, though I dislike using any strong expressions, I may at least say that those declarations, made by them under present circumstances, are calculated to excite a very painful feeling in the minds of those who hear them, coming as they do from the Government of this great country. But I shall, perhaps, be told that my alarms are unfounded, because those despatches which have been laid on the Table mean nothing decisive, and that every thing depends on the result of the labours of the Commission, which is composed of two most distinguished men, enjoying deservedly the highest reputation. I place no confidence in any man living when I see him put in a situation in which it is impossible for him to come to any other than one conclusion. If this Commission had been appointed to inquire what means could be adopted for the suppression of the Slave Trade, in addition to the mutual Right of Search, then I should have said that the respectability and high character of the two Commissioners inspired me with perfect confidence that they would either say that nothing more could be done, or, if they did suggest anything, that it would be some desirable addition to the Right of Search. But it is stated here in a despatch of Lord Aberdeen, that, pending the experiment of that measure, whatever it may be, the Right of Search is to be suspended; and any child may see that if that Right of Search is suspended by the mutual consent of the two parties, it cannot be revived without their mutual consent also, and that thus for all practical purposes it is entirely done away. The Commissioners have no discretion to determine whether this or that measure shall or shall not be substituted for the Right of Search; they are required to find some measure equivalent or nearly so, to that Right, and the Governments decide for them, that pending that experiment—and for all time to come, though it is not so said—the Right of Search shall be placed in abeyance. And, to make the matter more humiliating to this country, the proposal to suspend the Right of Search, though obviously dictated by the French Government, is made in the correspondence to appear to be a condition arising from England, and proposed by the Government of England to that of France! Why, then, I say, it is painful for me to see any two men of such high distinction as those who have been appointed by the French and English Governments, placed in a situation in which they are compelled to do work so little worthy of the character they have hitherto maintained; and I think it adds to the blame to be attached to the Government to have placed two such men in such a position. When you mean to do a thing which cannot redound to the honour of the parties concerned, you ought not to choose men of such high and respected characters as those who have now been selected. Sir, I have only to say that if the Government pursue in this matter the course they seem to have determined upon, it is quite manifest that the result will be an enormous increase of the Slave Trade. I asked last July for Returns, to show whether the number of slaves landed on the coasts of the continent and islands of America had not increased since we left office; but those Returns have not yet been given. My belief is that it has increased. The measures we adopted had reduced the traffic to a very small amount. Government say that this diminution was owing to the exertions of General Valdez at Cuba, and to some sudden light which burst on the Brazilian Government, who became aware that the increase of slaves was tending to endanger the tranquillity of the country. I believe that this may have operated in some small degree; but the real cause of the diminution in the amount of slaves carried from Africa to America was first of all the Bill of 1839, by which this House empowered the Government to exercise, with respect to Portuguese vessels, both north and south of the line, those powers of examination and detention which had previously been confined to the region north of the line, and which Bill also extended those powers to vessels equipped for the Slave Trade, as well as to vessels having slaves on board. That was one great cause of the decrease of the Slave Trade. Another was the measure so much sneered at of late in official despatches, of attacking and destroying the barracoons on the coast of Africa. Those two measures dispirited the Portuguese, Brazilian, and Spanish slave traders, induced many to withdraw their capital from the pursuit, and diminished suddenly and to a great amount the number of slaves brought over. If those measures had been persevered in, if that system had been continued, we might have hoped that the number of slaves carried annually across the Atlantic would have been now reduced within very narrow limits. The Papers for which I moved have not yet appeared. I blame nobody for the delay, which has been, no doubt, occasioned by other more pressing matters preventing them from being printed; but I shall be curious to see what information they afford. Whatever has been done, if the Government proceed in their design of relinquishing the mutual Right of Search with France, there must be an enormous increase in that great and abominable crime of slave-trading. When I look at what has passed, it is curious to see how the weakness of the Government in all their dealings with Foreign Powers, leads them from one false step towards another. What has passed in reference to this particular subject? First, the Treaty of December, 1841, between the Five Powers was signed by a special authority from M. Guizot, who himself negotiated the Treaty when Ambassador in this country, ardently supporting it in the conference of the Plenipotentiaries of the Great Powers. In six weeks afterwards, he turned round and refused the ratification. Government allowed that breach of international usage and good faith, for so I must call it, to pass altogether without remonstrance. The French Chambers, encouraged by this weakness, immediately urged M. Guizot to demand the cancelling of the Treaties of 1831 and 1833. What was his reply? He said,

> "If you ask me to negotiate for the cancelling of existing Treaties, I shall be met by a distinct and positive refusal; they will not even entertain the proposal: it will be an affront to France to have such a proposal rejected contumeliously; do not call on me to expose the country to such an insult."

That answer would have been accepted as conclusive by the French Chambers, and they would have prosecuted the matter no further; but they soon found they had mistaken the materials of which the men with whom they had to deal were composed. There was the Ashburton capitulation; there were concessions to France on the affairs of Spain; abandonments here, surrenders there; and M. Guizot—finding he had to do with men who, to use the expression employed by my hon. Friend the Member for Finsbury, were made of squeezable materials—said next Session: "I have been taunted with backwardness, but I will negotiate. The case is not quite so hopeless as it was last year. I shall perhaps not expose myself to such a decided and peremptory refusal as I then supposed." He did negotiate; he judged rightly of the men with whom he had to deal; the negotiation, though protracted somewhat longer than he expected, has been successful; and this Government, out of complaisance to a Foreign Power, and to maintain a Foreign Minister in his post some six months longer than he might otherwise remain, to catch in fact a few stray votes for him in the Chamber of Deputies, are going to sacrifice all those principles which the British Parliament and nation have for years held most sacred, and to condemn the innocent and unoffending inhabitants of Africa to an increase of those atrocities which necessarily accompany the Slave Trade. Sir, I shall only say, if they pursue that course, it will only remain for them to choose whether they are more justly chargeable with the most miserable weakness, or with the most hateful and detestable wickedness.

Sir *R. Peel:* I shall first address myself to the observations of the hon. and gallant Commodore, the Member for Marylebone. I certainly regret that he should have been prevented by absence from the House from making his Motion in the manner he wished. He has had, however, an opportunity of making his speech; and I cannot think that the result would have been very different if he had had an opportunity of making his Motion in the House, instead of only a speech in the Committee. The noble Lord says he concurs with the gallant Officer in the opinion that science ought to be called in aid of practical experience, with respect to naval improvements. I entirely agree in that sentiment; but the question here is, what shall be the presiding authority to call in the aid of science for the assistance of practical experience? The gallant Officer proposes a Committee; but I must say I think the Board of Admiralty is the proper authority to conduct experiments of that nature; to decide on the propriety of entering into the expenditure they involve; and to decide ultimately on the results of such experiments. I conceive there would be no public advantage in superseding the Board of Admiralty, and appointing some subordinate authority in the shape of a Commission to conduct those experiments. I apprehend the Board of Admiralty already takes that course which the gallant Officer advises that a Commission of Naval Officers should be appointed to take. I apprehend it does avail itself of the suggestions of men of science; that there are men distinguished for their scientific acquirements in the dockyards of this country; that they have the fullest opportunity of submitting their suggestions to the Board of Admiralty; that they are combined with officers who are practical seamen; and that the Board of Admiralty, in the last resort, decides on the combined experiments made by men of science and men of practical experience in navigation. If you choose to appoint a commission for the purpose of conducting those experiments, you imply a distrust of the Board of Admiralty; and it appears to me that there would be a much greater likelihood of producing confusion than of coming to any satisfactory result, with two conflicting authorities. Supersede the Board of Admiralty! That is what the hon. and gallant Officer proposes; at least it would be the practical result of his proposal. Appoint a Commission! But when you do that, supersede the Board of Admiralty; do not let us have two expensive authorities, contravening each other's decisions, while the Board of Admiralty is degraded in the estimation of the profession by having a Commission called on to exercise those duties which properly belong to itself. I am not objecting to the course proposed by the hon. and gallant Member, so far as regards calling in the aid of men of science. It is most desirable that such aid should be had, seeing the immense expense incurred in building ships for the Navy, and in fitting them with the inventions and improvements of which so many have been brought forward in recent times. I entirely concur that we ought to make experiments of every kind in reference to the sailing powers and qualities of our ships, and with respect to all the inventions made, as well in steam vessels as in others; but all I contend for is, that the Board of Admiralty, as entrusted with the expenditure of the Navy, which is placed at their disposal by Parliament, ought to be entrusted also with the conduct of those experiments; and that they are worse than useless, if you appoint some other authority for this duty, the appointment of which, in fact, ought to be decisive of the fate of the Board of Admiralty; but I am not objecting to calling in scientific knowledge, and combining it with professional experience. One of the grounds on which we propose an increase in the number of seamen is, that there may be the opportunity of making these experiments. It is very well to say—"Reduce your Navy to the lowest point consistent with national security;" but if you do, you will not have the opportunity of making those experiments with respect to steam navigation and the qualities of your sailing vessels, which you will have if you maintain a force on which those experiments can be made—for they can only be made by squadrons acting in conjunction with each other. And therefore, on this principle, I must differ very materially—at least, as regards the body which is to superintend the experiments—from the hon. and gallant Officer. My right hon. Friend stated distinctly that the Board of Admiralty were most desirous of receiving the suggestions of practical men; and he gave a decided proof of that desire when he stated that he had invited the gallant Officer himself to offer any suggestions, and intimated his readiness to place a steam vessel at his disposal, for the purpose of entering on experiments, which the high character and great experience of the gallant Officer so well qualify him to superintend. My right hon. and gallant Friend also stated, that if the gallant Officer objected to the experiments being carried on in a particular ship, he should not be disappointed, for he should have an opportunity of carrying out his suggestions in another vessel to which no objection could be made. [Sir *C. Napier:* I have been trying for twenty years.] Well, the hon. and gallant Officer has told us he has been trying it for twenty years, with all the various Boards of Admiralty which have existed during that time—but he has got it now. The hon. Gentleman comes to a Board of Admiralty to which he is in politics decidedly opposed; but so little reluctance does he find in them to adopt his views, that he is told he shall have an opportunity of carrying out his experiments. Can there be a greater proof that the Admiralty is a tribunal which may be usefully entrusted with the power of judging in matters of this nature, instead of delegating it to a Commission? That Department is presided over by the most distinguished members of the Naval profession of whom this country can boast. The hon. and gallant Officer says every Board of Admiralty is appointed with a view to political and party considerations. That motive, I can assure him, has not decided the appointments made in the present Board of Admiralty. Was my right hon. and gallant Friend (Sir G. Cockburn) appointed from any political or party considerations? No, but because he is one of the most distinguished members of his profession. Was Admiral Gage so appointed? Was the gallant Officer who sits there (Admiral Bowles) so appointed? With respect to the dockyards, it is very well for the noble Lord to say they are neglected; but by whom? The defence of the dockyards is a consideration of the utmost importance; but what Government has so regarded it? Not certainly that in which the noble Lord was concerned. The present is the Government which first seriously considered the defence of the dockyards. The noble Lord says, "Let us have a Commission on the subject." We have appointed a Commission. The subject has undergone the fullest consideration from the highest authorities. I am quite sure the noble Lord will not ask us to lay their Report on the Table of the House; but I can assure the noble Lord and the House that the subject has not escaped consideration. It has undergone the fullest inquiry, and the result of that inquiry may be seen in the propositions which we shall make in the course of the present Session. Therefore, no Commission is necessary. Without any impulsion from Parliament, we have taken that course which the noble Lord says has up to the present time been neglected by all preceding Governments. So much for the proposition which the noble Lord has thrown out. The noble Lord has taken the present opportunity of making observations—of which I admit he had no opportunity of giving notice—with respect to the foreign policy of the country, and particularly the conduct of the Government in relation to the Right of Search. I only wish the noble Lord would bring this matter to the test of a public declaration of the opinion of the House of Commons. But the noble Lord will not place on record even his own opinion. He recollects perfectly well the issue of the Motion made with reference to what he calls the Ashburton Capitulation. The noble Lord then escaped from the consequences of his own Motion, by making its terms only for Papers; but his opinions met with so little sympathy that his own side of the House would not permit that fruitless attempt to pass without notice. But a Motion was made by an hon. Member sitting there—a Motion without a precedent—distinctly affirming on the part of the House of Commons, that they approved of the conduct of Lord Ashburton, and that they thought the arrangement which he had made with the United States was one perfectly consistent with the honour and interests of this country. The noble Lord never has forgotten the unfortunate result of that effort to depreciate the public services of Lord Ashburton. Now he does not even trust himself to a Motion for Papers; but on the Navy Estimates being proposed, and when there is no possibility of meeting a Motion with a direct negative, he contents himself with making some observations with respect to the foreign policy of this country and the Right of Search. In reference to the general subject of foreign policy, he talks of the concessions we have made, of the conciliating language we have used. No doubt we did not think it at all discreditable to a British Ministry to have a desire to maintain that character as long as it could be maintained consistently with the honour and interests of the country. No doubt we held that language, and holding it does not incapacitate us from vindicating the honour and interests of this country. Speaking with regard to other Powers, I do not hesitate to say that I should have much more confidence in the temperate and effectual vindication of the honour and interests of a country when a Government maintains a moderate tone, than when it indulges in bluster and menace. If the noble Lord thinks that the conduct of France with respect to Morocco, and our conduct in the contest between those Powers, was blameable, why does he not make it the subject of a Motion, and specifically refer to it? He speaks generally of concessions and sacrifices of interests made; but he does not even specify them in the course of his speech. Take the case of Tahiti; he does not refer to it. Does the noble Lord think the Government acted in that affair contrary to the public honour and interest? He may have good reasons for not making a Motion, inasmuch as he may apprehend that he would fail to carry the House with him, and that even from his own side of the House he would not receive support sufficient to obtain assent to a Motion for Papers. But why does he not manfully and directly specify his opinions? The noble Lord dealt only in general allegations, giving us no opportunity of meeting and contradicting him on assertions of a more particular character. No doubt it might be very easy in the state of relations between this country and France to find an opportunity for making war if you wished it; but the Ministers, both of England and France, thought that it would be most unfortunate for the interests of civilization and of humanity, as well as for the interests of the two countries, if a quarrel, arising in a small island in the Pacific Ocean, thousands of miles away from both, should involve them in a war. The noble Lord can get no assent to his views; no one will follow him in his policy of involving those two countries in war on account of Tahiti, if that be the policy of the noble Lord. With respect to the Right of Search, though I certainly cannot say that the noble Lord is altogether out of order in bringing this forward on the Navy Estimates, more especially when amongst them a vote for the squadron employed on the Coast of Africa is to be seen; yet I do think that, having spent the whole of the recess in making the long extracts which he has read to the Committee, one would hardly have thought that the noble Lord would at present have entered so much into the subject as he has done. The noble Lord appears to be particularly disturbed because two eminent men, each of them specially known for his uniform hostility to the Slave Trade—the Duke de Broglie and Dr. Lushington—should have united together for the purpose of ascertaining whether or no it be possible to substitute some other means on the part of England and France for the suppression of the Slave Trade more efficacious than the Right of Search. No doubt it is to be lamented that a public feeling arose in France to paralyse the efforts which had been made in respect to the Right of Search. If France and England do cordially unite in the enforcement of the Right of Search Treaty, I am perfectly willing to admit that it is probably the most efficacious that can be entered into for the suppression of the Slave Trade; but the efficacy of that enforcement mainly depends upon the cordiality with which it is exercised by both Powers. The noble Lord must know, that in cases where a country is not very willing to act upon treaties that are not remarkably specific, there are plenty of opportunities for evading them. There is a strong disinclination on the part of France to execute this Treaty effectually. When did that disinclination arise? Immediately after the Syrian campaign in 1840; and the noble Lord was the Minister of Foreign Affairs at the period when that disinclination first manifested itself. We never heard of a disinclination in 1836, 1837, 1838, or 1839 to the Right of Search; but there did occur—I will not now enter into the question of who is to blame—there did occur in 1840 an interruption to our amicable relations with France; and it was that interruption, and no inherent opposition to the Right of Search, which led first to a Vote of the Chambers, then to a non-ratification of the Treaty, and then to a general expression of public feeling in France in favour of some other mode of suppressing the Slave Trade. We are not to blame for that. We found that feeling existing when we succeeded the noble Lord in office. I will not say that the noble Lord is to blame that such a feeling had been roused; but I will say that the policy which was pursued in France and England in 1840 forms the exclusive cause of the opposition which prevailed to the Right of Search. If the noble Lord thinks we were wrong in not resenting the non-ratification of the Treaty, then that was the part of our conduct to which he ought to have called public attention. He says, that it is for suspending the Right of Search that he blames us. But he is wrong in his supposition. The Right of Search is not now suspended. Those two eminent men to whom I have alluded—each being actuated by the sincerest desire to put an end to the Slave Trade, each having had for the chief object of his political life the suppression of the Slave Trade—are at present considering the question in all its relations. Does the noble Lord believe that the Duke de Broglie or Dr. Lushington would have undertaken those functions if they were not animated by the sincerest desire to find a means for the suppression of the Slave Trade? Dr. Lushington cannot, certainly, be charged with any design tending to promote the interests of the present Government. Dr. Lushington saw that the Right of Search had become ineffective, and only consented to accept of the duty in which he is now engaged, in the earnest hope, and also in the belief, that it was possible to devise some more effectual mode to put an end to the Slave Trade. Notwithstanding what has been stated by the noble Lord, I believe it will be found that our efforts on the Coast of Africa have been most successful; and also that we are not prepared to consent to any substitute which will not prove at least equally as effective as our present plans. If a substitute can be found, then our stipulation with France is, that during the experiment the Right of Search shall be suspended, not absolutely abandoned; but suspended, until it shall be shown by experience whether the new measure be equally efficacious or not. And if some other mode can be substituted, and if France should consent to keep a very large naval force upon the Coast of Africa, cordially acting in connexion with us, and determined to make an effort for the suppression of the Slave Trade, without any limit to the expense; my belief is that it would be a more efficacious instrument than the Right of Search as it at present exists. It is in the hope of devising some such plan that the Commission has been constituted. To some other matters, touched upon by the noble Lord, and of which I believe another noble Lord (Lord J. Russell) has given notice, I think it much better to abstain from any reference until the noble Lord shall have an opportunity of bringing them forward. But when the noble Lord says, that by the agreement entered into by Lord Ashburton, respecting the North-Eastern Boundary, we made any sacrifice in the slightest degree inconsistent with the honour or the interests of this country, I must to that statement give the most peremptory denial. I believe, on the contrary, that we made no sacrifice of any one interest in consenting to the arrangement made under the auspices of Lord Ashburton. See in what manner Mr. Webster, the Minister of the United States, was assailed for having acceded to that arrangement. He, too, was charged with having sacrificed the honour and the interests of his country by entering into an arrangement which secured peace, but which was denounced by the war party in America as inconsistent with the honour of the United States. I say that that will always be the case when two great countries, animated by the same sincere desire, attempt to make up differences of minor import, by coming to such an arrangement as that entered into by Lord Ashburton. By such an arrangement immediate danger and just cause of hostility are removed; but it will suit the views of parties in each country to denounce the Ministers who become parties to it; and if those Ministers are not supported in their attempt to maintain peace, there can be no security in any country against the risk of constant hostility. I hope our efforts in that respect are duly appreciated by this House, and also by the people of this country. I am sure the country does not disapprove of the efforts we have made to maintain peace. I do not believe the country is under the impression that our power to resist unjust demands, or to maintain the honour and the interests of the nation where the maintenance of them may be necessary, has been in the slightest degree impaired either by the holding of conciliatory language, by the direct avowal of our desire to maintain peace, or by our having consented to an arrangement in a case where compromise was possible, and where mutual concession would put an end to immediate danger; — I do not believe the people of this country, or that this House will think that by this moderation we are in the least incapacitated from acting with energy, with firmness, and with vigour, when it is necessary so to act, for the maintenance of the honour or the interests of the country.

Lord *John Russell* said, that the right hon. Gentleman appeared surprised that his noble Friend should have taken the present opportunity of making certain observations upon the question of the Right of Search. But the hon. Gentleman the Secretary to the Admiralty, in proposing those Estimates, had said, very properly and becomingly as regarded the situation he held, that one of the reasons why he asked for an augmented naval force was, that the force employed on the coast of Africa was greater now than it had been in former years. That was certainly a very fair ground for the hon. Gentleman to ask for an increased naval force; but was it not, also, fair for hon. Gentlemen who sat on this side, to ask the question, to what purpose was that naval force to be applied—whether for the purpose of making the Right of Search more effectual, or if that be impracticable, in what manner the augmented force was about to be employed? Were they to come to the vote, without asking in what manner the money was to be applied? They did not object to the vote if the money were to be applied in support of the Right of Search. Nothing appeared to him more natural than the observations of his noble Friend with regard to the manner in which these ships were to be employed, and upon the Right of Search, which had been considered the great means of suppressing the Slave Trade. His noble Friend had refered to Lord Castlereagh, the Duke of Wellington, and other men high in office, who had formerly asserted it to be of the highest importance to obtain the consent of France to the exercise of the Right of Search, and had asserted it to be a great defect in our Treaties with that Power, that they contained no provisions for obtaining it. A Treaty was at last signed and ratified, by which the Right of Search was granted by France; and now they were told that it was to be given up, and at the same time they were asked for more money for the suppression of the Slave Trade. Was it not excusable in his noble Friend to say, "We will vote what you require; but let us know the purpose for which the money is to be voted?" In reply to his noble Friend, the right hon. Baronet taunted him with the course taken by him in respect of what his noble Friend had called the Ashburton Capitulation. He did not think the right hon. Gentleman had reason to pride himself upon the result of that discussion; for the opinions upon the merits of that Treaty would hereafter be mainly formed in the minds of those who wished to investigate the history of the question, by the able speech in which his noble Friend had explained his reasons for thinking the arrangement unsatisfactory. True, the vote was the other way; but there had been votes of the House of Commons which had not always been viewed with the highest respect. For example; they had once voted that a one-pound note and a shilling was equal in value to a guinea, that was then worth 27*s*. What was this Treaty in effect? If the noble Lord the Secretary for Foreign Affairs had written to the United States to say, "You make certain claims relative to the North Eastern Boundary—we waive all our claims; we give you up the whole of your demands; we yield the whole question to you as you desire, and in return let us consider whether some further concessions cannot be made for the navigation of the river St. John;" he (Lord J. Russell) had no doubt that such a despatch would have been perfectly satisfactory to the Americans, without the noble Lord taking the trouble to cross the Atlantic at all. With the entire grant of the navigation of the St. John, the Americans would not be in a more favourable position than they were by the Ashburton Treaty. He might probably think that a great part of that territory was not worth dispute; but still he must complain of the manner in which the negotiation had been conducted. It was said Her Majesty was willing to yield every thing proper to be yielded; but, with respect to the inhabitants of the Madawaska, they were under the protection and the honour of the Crown, and Her Majesty could not be advised to cede those people who wished to remain subjects of the British Crown. America rejected that proposition, and said, "We must have the whole of the right bank of the St. John. Here is a river that is the national boundary, and which it is impossible to allow the British to cross, and, giving you every credit for your honourable feeling towards those poor people, we must have this territory." Well, that was granted, and it was said, "If the river is the national boundary, why let it be so." But America then came forward again, and said, "No, there are parts where we must cross the river: there are parts of the left bank of the St. John which we must have." So that immediately after concession the demands of America arose, and they obtained a cession of our territory which they said was necessary for their purpose. He must say that both in the concession itself—which was a considerable one—and in the manner in which it was made, the interests of the country were very little looked to. Such was his opinion at that time, and so, in spite of the potent arguments of his hon. Friend the Member for Montrose, it still remained. With respect to these opinions being new on his part, he might mention that it did so happen that, shortly before he quitted office, he, with the concurrence of his noble Friend, gave directions to Lord Sydenham to enter into a convention by which both parties should continue to hold what they possessed; and he received a despatch from Lord Sydenham, in which he stated that an agreement had been nearly arrived at, but that Mr. Webster had required a part of the right bank of the St. John, including the Madawaska territory, and Lord Sydenham said that he never could consent to such a negotiation. One of the last acts which he performed prior to quitting office, was to write to Lord Sydenham entirely approving of the view he had taken. So that these were the opinions he held when Secretary of State. In regard to what had been said about stirring up hostile feelings, and the advantages of preserving a conciliatory tone, he would say that he was not insensible to the blessings of peace. But he was not sure that this was the right mode by which finally and ultimately peace would be preserved. He was not sure, if you made concessions of every point upon which a demand was made, and if your language was what was called by some conciliatory, but which might be called by other people pusillanimous and weak, that you would not be sooner driven to some vital point on which you would be obliged to resist, than if upon minor points you had shown a more resolute and determined disposition to resist. The right hon. Gentleman says, it will be seen that the Government will resist when the interests of the Crown or the country were endangered. He gave the Ministers full credit for that statement. He believed the Government would never consent to any thing injurious to the country, or which they might consider trenched upon the honour of the Crown. But he put it to them whether they should not keep at as great a distance as possible those questions which do vitally affect the honour of the country, —whether it is not better to avoid being forced into a discussion of those questions in which you must make resistance when sudden resistance will necessarily excite the surprise of the persons with whom you are negotiating, because they are in the habit of expecting concession; and whether by this mode of proceeding you do not come nearer to war than if you in the first instance adopted a different tone and a more determined attitude. The right hon. Gentleman asked his noble Friend (Lord Palmerston) to specify the cases in which he thought the tone of this country had not been sufficiently high. His noble Friend mentioned one subject, on which it was quite evident that the influence of our ally was used against British interests and against British views. He meant the case of Spain. That France should intrigue, that there should be a successful intrigue with Spain, he did not ask the British Government to prevent; but what he complained of in that transaction was, that they had the air of being deceived all the time—that they would have it that France acted with a perfect regard to the independence of Spain—that France never interfered—that her money and her intrigues were never active, and the change which took place was entirely an alteration of opinion in Spain. He thought it showed a disposition little creditable to the Ministers of this country not to take an English tone—a tone befitting the Ministers of a great country, but to endeavour, by concessions, to keep up a peace not founded on a solid regard to the interest and honour of the two countries. He would not touch upon that question on which he meant to make some observations on Friday night; but he had one word to say with regard to the Commission appointed on the Right of Search. As far as he understood, the Duke de Broglie, who signed one of the Treaties of 1831 and 1833, and Dr. Lushington, who has always been desirous for the suppression of the Slave Trade in this country, had both of them always declared the Right of Search to be one of the most efficacious means upon which the two countries could agree for the suppression of the Slave Trade. What, then, was the reason why these two persons are sitting now in a Commission to devise some other means for the suppression of that trade? The ground was this:—"It was said that there was such an excitement in France on the subject of this Right of Search, that it was inexpedient that that topic of irritation should be continued to disturb the harmony between the two countries." He must say, that he did not think that that feeling existed to such an extent. Of the three eminent persons, M. Guizot, Count Molé, and M. Thiers, he found that only M. Guizot laid great stress upon it. Count Molé said that there was no necessity for making the Right of Search a cause of disagreement between the two countries. If he was wrong in this, and if it was true that this question of the Right of Search prevented harmony between the two countries, then he would say that it was a subject which should be treated as between Government and Government; that it was a political question in which the Government should weigh in the balance, on the one hand, the advantage of a suppression of the Slave Trade by means of the Right of Search, with, on the other hand, the great political advantages of a thorough and complete alliance between the two countries. It was not a question on which any two gentlemen should be chosen as a Commission to whom it should be referred. He could not believe that, in giving their own opinions, they would come to any other conclusion than that the Right of Search was a most valuable right to be maintained. If they gave up that right, he believed it would be on those political grounds which he had stated. Why, then, should not the Government come forward and claim the responsibility of giving up the Right of Search, and propose the adoption of those other means of which the right hon. Gentleman had talked? The right hon. Gentleman said, that if there were an increased number of cruisers kept up by the two nations—if France were disposed to go to that expense, it would be found more efficacious than the Right of Search? If that was the right hon. Gentleman's opinion, why should he not, as the Minister of this country, act upon that opinion? For his part, he promised the right hon. Gentleman that he should bring forward no Motion, nay more, he would vote for no Motion, which would condemn his conduct upon that subject. But if this matter were to be referred to a Commission of two gentlemen, with a view to shift the responsibility from the right hon. Gentleman's shoulders, then certainly he should not enter into any such engagement, for he could not help thinking that such a mode of treating this great question was unworthy of the Government of this country. With respect to the question more immediately before the House, and which was now to be put to the Vote, he was heartily glad to see that Her Majesty's Government had proposed to increase the naval force of the country. He thought that not only on the grounds on which the right hon. Gentleman had placed the Vote, namely, the desirableness of increasing the force required in China and in the Pacific, but likewise on the ground of its being desirable that this country should have an efficient steam navy, the House had fully sufficient reasons before it to agree to the proposal of the Government. Whether a Commission might not be desirable upon some parts of this subject he would not say. The right hon. Gentleman himself said, that with regard to the defences of the coast, the Government had themselves appointed a Commission. There was another subject deserving of consideration—namely, as to the probable effect of steam vessels in the case of a war. He should be very sorry to transfer any of the general functions of the Board of Admiralty to a Commission. He thought it would be better that the Admiralty should have charge over any experiments that might be made. But with regard to a more scientific and speculative investigation as to what might probably be the effect, in future wars, of the use of steam-vessels, he thought it might be extremely useful to have a Commission upon that topic. The gallant Admiral (Sir. G. Cockburn), who was so well informed upon these subjects, had stated, if he understood the gallant Officer correctly, that he did not blame the Admiralty (which commenced the formation of a war steam navy) for the view which they took of the use of steam vessels in war. He remembered having frequent conversations with the late Sir Thomas Hardy upon this subject; and he remembered, too, the view which that gallant Admiral took of the use to be made of steam vessels, and how desirable, in his opinion, it was that there should be steam vessels under the orders of the Admiralty. But the gallant Admiral opposite had said, and all that had occurred since confirmed the impression, that those views of Sir Thomas Hardy had been very much changed and modified in subsequent years. The vessels that were now used, differed very much from those vessels which were used at first, and they had now only one or two guns for carrying shot of any large calibre. Now, if this was the case, and finding that opinions differed very much as to how far steam vessels would be used in war, and how far they would assist the fleets and supersede the use of line of battle ships and frigates —he thought that a Report from a Commission, composed of scientific men, might be very useful to afford practical information to Government. He stated this as a mere impression on his own mind. But he could assure the hon. and gallant Admiral, that nothing would induce him to give any vote to transfer the proper functions of the Admiralty to a Commission. He thought it was far better to have men of eminence in the naval profession responsible for these matters. He therefore wished the hon. and gallant Admiral to consider what his gallant Friend (Sir C. Napier) had said, and what he (Lord J. Russell) had now suggested. But he certainly could not concur in any vote which would appear to be hostile to the Board of Admiralty, and he cheerfully agreed in the Vote now proposed for an increase in the number of seamen.

Mr. *Hindley* entered his protest against the plan of increasing our military and naval force, as the best means of preserving peace. He had many petitions upon the subject, and it was becoming a serious question amongst the people of this country.

Vote agreed to.

The House resumed. Committee to sit again.

House adjourned at a quarter past twelve o'clock.

HOUSE OF COMMONS,

Tuesday, April 1, 1845.

MINUTES.] BILLS. *Private.*—2°. Winwick Rectory; Newcastle-upon-Tyne Port; Newcastle-upon-Tyne and North Shields Railway (Tynemouth Extension, &c.); Nottingham Inclosure; Greenwich Colliery Railway.

3°. and passed:—Birkenhead (Commissioners') Docks.

PETITIONS PRESENTED. By Mr. G. Hamilton, and Mr. Lefroy, from several places, for Encouragement to Church Education Society (Ireland).—By Mr. Disraeli, Col. T. Wood, and Mr. M. Gore, from several places, for better Observance of the Lord's Day.—By Colonel Acton, Dr. Bowring, Mr. Brotherton, Sir J. Y. Buller, Mr. Disraeli, Sir R. H. Inglis, Mr. Loch, Mr. George Palmer, Mr. Strutt, Colonel T. Wood, and Mr. S. Wortley, from a great number of places, against the Grant to Maynooth College.—By Sir J. Y. Buller, from the Dean and Chapter of St. Peter, Exeter, against Union of St. Asaph and Bangor.—By Sir J. Y. Buller, from the Torquay Anti-Slavery Society, against the Importation of Hill Coolies into the Colonies.—By Mr. Loch, from Justices of the Peace of the County of Sutherland, against the Duty on Auctioneers' Licenses.—By Mr. W. Patten, from Warrington, against Reduction of Duty on Leather. —By Mr. T. Egerton, from Handforth, against, and Mr. T. Duncombe, from several places, in favour of the Calico Print Works Bill.—By Mr. H. Berkeley, from Llansant-Ffraid yn Mechain, in favour of the County Courts Bill.—By Mr. Cowper, from Alford, in favour of the Field Gardens Bill.—By Mr. Strutt, from Guardians of the Derby Union, for Sanatory Regulations.—By Mr. W. Ellis, from Leicester, and Sir John Johnston, from Scarborough, in favour of Museums of Art Bill.—By Mr. G. Palmer, and Mr. E. Yorke, from Guardians of the Epping Union, and Cambridge, against, and by Sir J. Lowther, and Mr. Strutt, from Guardians of the York, and Derby Unions, for Alteration of Parochial Settlement Bill.—By Visct. Duncan, from Bath, for Alteration of Physic and Surgery Bill.—By Mr. Bellew, from several places, against Alteration of Poor Relief (Ireland) Act.—By Mr. Brotherton, Mr. Tancred, and Mr. M. Gore, from a great number of places, for Diminishing the number of Public Houses.—By Mr. M. Gore, from the Somersetshire Coal Navigation Company, for Regulating Railway Charges.—By Lord Hallyburton, Mr. C. Hope, and Mr. Loch, from several places, for Ameliorating the Condition of Schoolmasters (Scotland).—By Mr. Kemble, from Christchurch and Kennington, for Redemption of Tolls on Waterloo and other Bridges.

QUARANTINE LAWS.] Dr. *Bowring* said, it was in the recollection of the House, that during last Session it was resolved that measures should be taken to modify the quarantine system, and that such steps should be adopted as would lessen the grievances which the commercial world laboured under, both at home and abroad. Now, he wished to ask the right hon. Baronet what had been done to carry out the wish of the House on that subject?

Sir *George Clerk* said, in reply to the hon. Gentleman, he should beg leave to refer him to the statement made by his right hon. Friend the late President of the Board of Trade at the time the subject was formerly before the House. His right hon. Friend had at that time informed the House that Her Majesty's Government had entered into negotiations both with the Governments of France and of Austria for the purpose of inducing them to make such relaxations in their quarantine laws as would be most advantageous to the commercial interests of their respective countries. On the part of France he believed no objection had been offered; but the Government of Austria wished in the first instance to have a Report on the subject from medical officers appointed by themselves. So reasonable a proposition could not be objected to; but as yet no final reply had been received from the Austrian Government on the subject.

KENTISH COAST RAILWAY—BOARD OF TRADE.] Viscount *Howick* wished to call the attention of the right hon. Baronet the

Vice President of the Board of Trade, to an advertisement which appeared in several of the papers a few days past, as follows:—

> "Kentish Coast Railway.—The promoters of this undertaking beg to inform the shareholders and all parties interested in the line, that the Report of the Board of Trade, published in last night's *Gazette,* has come upon them with the greatest surprise, inasmuch as they were awaiting an appointment (according to an arrangement with that Board) for a personal interview by deputation, for the purpose of presenting and explaining certain essential documents, and without which appointment, and in the absence of which documents, the Board have decided.
>
> "The promoters do not for a moment desire to cast the slightest imputation on the Board of Trade, the oversight on whose part in omitting to make the expected appointment, they believe to have arisen in the great pressure of business, and the lamented indisposition of a Member of the Board, with whom communication had previously been held.
>
> "The promoters have, however, the satisfaction to state that they have to-day had an interview at the Board of Trade, and they have the pleasure to announce that the line, with the full information of the documents referred to, will be forthwith submitted to the fullest consideration of the Earl of Dalhousie and the Board of Trade, not with a view to any further notice in the *Gazette,* but to a Report to Parliament.
>
> "The promoters beg to acknowledge at the same time the polite consideration shown them at the Board at their interview to-day, and in the expression of regret which they received at the unfortunate occurrence referred to.
>
> "EDWARD RICHARD,
> *Secretary.*
>
> "New Broad-street, Tuesday afternoon,"

From this statement it would seem that the Board of Trade had decided upon this railway without having had before them all the documents prepared by the promoters of the Bill, and without that interview by deputation which they had been led to expect. What he wanted to know was, whether that statement was true, and whether the Board of Trade had so decided? and were they now about to reconsider their decision?

Sir *G. Clerk* said, the terms of the advertisement to which the noble Lord had referred, did not contain a correct account of the circumstances connected with this railway. If any mistake had arisen with regard to the announcement of the decision of the Board of Trade on the subject of that particular railroad, it must have arisen entirely on the part of the railway company. It was not the practice of the Board of Trade to request personal interviews with the promoters of railways; but the system pursued had been this: The Board required the parties promoting a railway to send in the fullest documentary evidence, detailing the advantages to be derived from the scheme of which they were the promoters. In a great many instances these parties had requested to be allowed to have a personal conference with the Board of Trade, for the purpose of elucidating many points which documentary evidence could not fully and clearly explain. The Board of Trade had always expressed themselves ready to receive all parties; and he believed the promoters of this railway applied for a personal interview on the 6th of January last. They were, however, informed, that upon that particular day it was not convenient for the Board of Trade to have a conference with them; and a subsequent day, he believed the 22d of January, was accordingly named. On the 21st of that month, however, the solicitor for the promoters of this scheme called at the Board of Trade, and stated that it was impossible for the parties to attend on the 22nd; but that gentleman did not, at the time, make any request to have any further day named, or the Board of Trade would have been perfectly ready to receive them. The Board of Trade waited till the last moment before giving its decision, but no subsequent application for an interview was made by the promoters of this line. It would be remembered that the Board of Trade had intimated to the House and the public that they should be prepared to give their decision upon the majority of railway schemes before them by a particular day. The House would recollect that the Board of Trade had all the documentary evidence which the promoters of this scheme considered essential to their case before it; but it appeared from the advertisement that they had some further documentary evidence, which the solicitor had not presented to the Board of Trade, thinking that it would be asked for by the Board before they agreed to their Report. The Board of Trade, however, had had sufficient facts before it to enable it to come to a decision upon the question; and the result of its decision was announced in the *Gazette* of last Friday. Subsequently, the solicitor called at the Board of Trade, and expressed his regret and surprise that the Board had not had an opportunity of considering certain documents. There was no doubt the solicitor was informed that the fullest consideration would be given to these documents if he deposited them with the Board; and he had not the least doubt that if these documents contained important information upon the question—which, however, was not very likely, or they would not have been held back—his noble Friend at the head of the Railway Department, and the Board itself, would not only give them the fullest consideration, but, if they contained sufficient grounds to induce the Board to alter its decision, the Board would not have the slightest hesitation in doing so. But he must candidly tell the House that he did not think these documents would disclose such information as to induce the Board of Trade to come to a different decision to that which had already been announced. If any misapprehension had arisen, it was on the part of the promoters of the railway, and not on the part of that Department of the Board of Trade. Nor could they complain that no intimation had been given to them that further evidence was required; because it was left to them to request an interview, which they had neglected. It was clear, therefore, that no blame could be attached to the Board of Trade. The Report, detailing the reasons upon which the Board of Trade had come to a decision in the case of this railway, would be laid upon the Table of the House in the course of the present week; and it would be for the House or the Committee to judge whether that Report contained sufficient reason to justify the decision of the Railway Department of the Board of Trade.

Mr. *Duncombe* begged leave to ask a question upon this subject. It was this: He would wish to know if the decisions of the Board of Trade were the decisions that were gazetted? and if they were, were those decisions final? The reason he asked the question was this—if any new information should be acquired upon any line so announced as decided upon, and that the Board of Trade should find that information of such a character as to induce it to alter their opinion, would there then be a new announcement in the *Gazette?*

Sir *George Clerk* had not the least idea that the Board would make any alteration in its decisions; but, at the same time, he could say that the Board of Trade would, as an act of justice, alter the whole bearing of the announcement made in the *Gazette,* if the additional information were of such a nature as to demand that course.

Mr. *Labouchere* said, the impression surely could not be intended to be conveyed by the right hon. Baronet, that it was the practice of the Members of the Board of Trade to announce their decisions in the *Gazette* before their minds were finally made up on the subject before them.

Sir *George Clerk* said, certainly not. The Board of Trade did not come to any decision until it had given the fullest consideration to the subject. It was not possible to conceive that parties would have kept back back material documents for two months, without giving the Board any intimation of their existence.

CEYLON.] Mr. *Tufnell* wished to ask the hon. Gentleman (Mr. G. W. Hope), whether an Order had not been issued from the Colonial Department to the Governor of Ceylon, prohibiting officers in the Civil Service in that island from engaging in agricultural or commercial pursuits; and if so, what time was allowed them to dispose of their property? He also wished to know if the Governor, and the clergy of the Established Church, were included in that Order?

Mr. *G. W. Hope* said, the Order extended only to the officers in the Civil Service, and not to the clergy, or to the Governor. The instructions to which the hon. Gentleman referred, were part of a general scheme for remodelling, and, as he trusted, for improving the Civil Service in Ceylon. He had heard it stated, that, concurrent with the Order for the prohibition of the civil officers from engaging in agricultural and commercial pursuits, a proposal had been made by the noble Lord for an increase of salary in some cases, and for a further provision in the shape of retiring pensions. These pensions did exist up to a certain period; and since they had ceased, many complaints had been made of the absence of civil officers from their duties, in consequence of the private pursuits in which they were embarked. The noble Lord had not fixed the particular period before which the properties should be disposed of; but he had merely notified to the

Governor that within a reasonable time the officers should make their election between retaining their public situations, or giving up their plantations and commercial speculations.

Colonial Accounts.] Dr. *Bowring* said, he rose to propose the nomination of a Committee to examine and report on the state of the Colonial Accounts. It was not a new subject, for in 1837 a Committee had been appointed—had collected together much valuable evidence—but in consequence of the Session closing, that evidence had not been completed, and there was no possibility of making a Report suggesting measures of reform. The consquence was that the evidence only was laid in an unfinished state on the Table of the House. He wished that the work begun in 1837 should be terminated 1845,—that the points which were then neglected should be now investigated, and that the arrangements necessary for giving order, uniformity, and lucidity to the Colonial accountancy, should have the weight which attached to the recommendations of a Parliamentary Committee. On the importance of the Colonies it was scarcely necessary for him to dwell. Whatever views hon. Members might take of the general subject, no one could doubt that it was a question of consummate gravity. He could not conceive that any honest person could desire that the accounts of the Colonies should be kept in a confused, irregular, or unintelligible shape. Any honest interest must desire accuracy and good faith; and the slightest consideration would show how great the interests involved. A Return lately moved for by his hon. Friend the Member for Montrose, exhibited no less than forty-one Colonies dependent upon this great Empire—containing a population of 5,000,000 of human beings. To the United Kingdom, these Colonies sent for the value of 10,500,000*l*., while to these we export to the value of 17,000,000*l*. sterling, of which nearly one-half consists of British produce and manufactures. This trade employs 3,000 ships, comprising 900,000 tons. No one, therefore, could contend for a moment that the subject-matter was one of a trifling character, or that the accounts which represent the revenues and expenditure of so vast and so varied an interest should be kept in any but a satisfactory state.

Yet nothing could be less satisfactory than the present condition of the Colonial Accounts which were presented to Parliament. Accounts, indeed, was a word he ought not to have employed. Accounts properly so called, there were none. There were abstracts from Blue Books—there were approximative statements,—but there was nothing that a merchant or a banker would call an account. And even such as they were they were heavily in arrear. The abstracts presented to the House, only came down to the year 1842; for 1843 there is not a single abstract; the Newfoundland Account is given no later than for 1841; and for several of the Colonies there is no account—no abstract—no statement whatever. None for Tortola—none for Anguilla, none for Fernando Po—none for Cape Coast—none for the Falkland Islands. To take the last for an example. Various Parliamentary grants had been made to the Falkland Islands. We voted 9,812*l*. in the year 1844; many votes had preceded this, to an amount not probably less than 20,000*l*. more. Of its application we know nothing—of the revenue of the Island we know nothing. It has been stated that the whole population in 1843 consisted of 111 individuals; of whom fifty-two were permanent settlers—of whom only thirty-one were British subjects. Now, when vote after vote was granted to such a Colony as this, surely Parliament ought to receive some statement as to their application.

Of the accounts presented nothing could be more irregular or less uniform than their character. No period appears to be fixed when the financial year is to begin or terminate. The 30th of September is the day most generally adopted, but the 31st of December is fixed on by many. Gibraltar has one date, Malta has another; Nova Scotia and New Brunswick choose to differ; and the difference runs through the whole list. Some of the Colonies report the amount of their public debts,—others pass this most important matter by in silence. The various departments in the Colonies keep their accounts in various manners. The Custom-house has one system—the Crown Lands Administration another—the Post Office a third; and as to stores, which ought to be reported on in every good system of bookkeeping, no reference whatever is made to them, whether the property of the Colony or of the Mother Country.

Some of the Colonies present their accounts in a tolerably satisfactory shape. Those of Jamaica, for example, are given in some detail; the amount of debt is stated at 600,000*l*. Barbadoes also reports her public debts, and it appears that a Committee of Public Accounts has been sitting, with a view to introduce the improvements which are allowed to be necessary. But in the case of St. Kitt's, the whole statement of the revenue is given in seven lines, and the whole details of expenditure in ten lines. In Nevis one single line disposes of the income of 8,834*l.* 1*s.*; one single line records the expenditure as 8,678*l.* 16*s* 1½*d.*; recorded to a halfpenny as to the amount, but not an iota of information as to how that amount is made up. It would appear from the fractions reported in some cases, that the accounts must be copied from books in the Colonies, and really represent the facts of receipt and payment—but in other cases the accounts are only estimates or guesses, and represent nothing but a supposed approximation to facts. In a word, there is no unity of plan or purpose—no general model—no system pervading the whole—no two, indeed, adopting the same plan. In some the revenues are divided into fixed and incidental—in others they are wholly blended—what is called fixed in some, is denominated incidental in another. In some Colonies, as in the case of Honduras, the revenues are reported in the minutest detail—in others they are given in a lump, without an attempt at classification. In the receipts from the Customs, the returns are sometimes made instructive by giving the particulars under various heads, and showing the amounts levied on the sundry articles of importation—in other cases not only the Customs, but all the receipts, are brought into a general head, with some such a phrase as "revenues collected under Acts of Parliament." In the accounts of the Cape of Good Hope, the revenues and expenditure are recorded on a plan peculiar to that Colony. They have two columns, one representing amounts paid and received—another representing arrears both of receipt and payment—one recording what has been done, another what ought to have been done.

In these accounts it is for the most part impossible to decide whether the statements represent gross or net revenue—whether the amounts are the receipts after or before the charges of collection are deducted. In some of the Colonies there is a debit for the cost of collection and for the expenses of protecting the revenues—in others there is no reference to any deductions. Now, according to his (Dr. Bowring's) view, there can be no really efficient control, either in the Colonies or elsewhere, unless the gross revenues are paid without any deductions whatever into the Public Treasury.

Were the accounts what they ought to be, they would exactly harmonise with the corresponding accounts in this country. Take for example the accounts of the Customs. As these are under the immediate influence of the London Board of Commissioners, there ought to be some means of checking the accuracy of the accounts by a reference to the central books in London. Now it appears by the evidence of Mr. Wodehouse, as given to the Committee in 1837, that the gross receipts for Customs in the Colonies was 555,137*l.*, of which 401,142*l.* was paid into the Colonial chest, and the remainder was exhausted in salaries, costs of collection, &c.—but the corresponding returns of Customs, Colonial Revenue, gave only 142,000*l.* as receipts, and 105,000*l.* as cost of collection, which would seem to leave a balance of 37,000*l.* as paid into the Colonial chest; while it appears not only that there was no balance on the general Custom-house receipts of the Colonies, but that 14,832*l.* beyond the amount of Colonial Customs was contributed from the Custom-house revenues of the mother country.

Equally irregular are the records of Colonial outlay. Ordinary and extraordinary expenditure are in some Colonies distinguished—in others confounded. For some the expenses of the Civil Service are given in detail—in others in a mass—some Colonies go into the minutiæ of farthings—record the salaries and duties of every functionary—others dispose of the whole affair in a single line, and with the words "all civil officers," and a round sum at the end thereof, with the whole question of outlay under this particular head. The details of the expenditure of New South Wales, for example, being above 800,000*l.* occupy nine folio pages—that of Canada, which is 476,000*l.*, is despatched in less than a page and a half—or in less space than is occupied to account for the 20,000*l.* which is disposed of in Prince Edward's Island, or the 13,500*l.* spent in Honduras.

The mode of making payments in the Colonies does not appear to be regulated by any general principle. Whether they are effected under the authority of a warrant from the Governor, or by order of an official specially appointed, is not clear; nor does there seem to be any periodical examination of the cash balances in the Colonial checks to ascertain their conformity with the books. It is notorious that there have been frequent defalcations, and that proper investigations into the moneys actually in the hands of cashiers would have checked many frauds in their progress; but there is no reason to believe that the simple plan of comparing the balances in the cash books with the amounts in the treasurer's or cashier's hands, has been generally or even partially adopted.

And then, again, as to the auditing the accounts in the Colonies. For this important matter there is no provision; neither the duties of auditors, nor the manner in which those duties shall be discharged, are provided for. Auditors in many of the Colonies undoubtedly there are, if a charge for the service of such functionaries is evidence of their existence. In Malta, the charge for auditors is 980*l.* per annum. In Gibraltar, 317*l.*; and in Ceylon, Canada, Nova Scotia, New Brunswick and other Colonies, they appear among the regular Colonial functionaries. But the accounts bear no proofs of their having exercised their authority; they bear no auditors' signature—no sign of auditors' examination or approval. It may be supposed that the audit—uncertain and irregular abroad—is complete and perfect at home. We have here an Audit Board which costs the country some 50,000*l.* a year. Are its functions fitly exercised? Is it, what it ought to be, a tribunal of revision and control, giving security to the public against the irregularities and frauds of those who handle the public money? Far from it. Accounts to the amount of millions sterling have been passed without proper vouchers. In 1833, 150 accounts were allowed to slip through unaudited and unapproved—and the amounts involved were 5,000,000*l* sterling. It has been impossible for this office to wade through the accumulated mass of arrears; and hence from time to time accounts have been shelved with all their errors, and permitted to be flung into the realms of oblivion, from the alleged impossibility of establishing a proper examination. Applications have sometimes been made to the Treasury for additional assistance; but whether granted or refused, the Board has been wholly unable to cope with the mass of business referred to it. Nor are the functions and powers of the Audit Office very clearly defined. If they detect an error—if they track a defaulter, so as to substantiate his offence—if they obtain substantial evidence of fraud, they have no power to enforce a payment or a penalty. The *Cour des Comptes* in France is a tribunal to which every fiscal or financial functionary is amenable, before which he is regularly cited, and can be discharged from his responsibility only after the elaborate examination and formal approval of his accounts by their judicial declaration. Every voucher is sent to that tribunal to prove the facts of receipt and payment. Every receipt is examined to ascertain its being authorized by Parliamentary authority—every disbursement is compared with Parliamentary grants—the regularity of every issue is sifted—and the accounts, when audited, are presented to the Chambers in exactly the same form, and under the same heads, as the Votes of the Budget. This identity of classification is an admirable security for order. First, the Estimates, which precede the receipts and payments as sanctioned by the Legislature. Then, secondly, the accounts as representing the facts of receipt and payment, according to the sanction so given, but preserving the same classification as that of the Estimates. And, thirdly, the final audit, corresponding in form with the original Estimates, and the current yearly account of Income and Expenditure, so that any public grant may be traced through its stages in the Budget, anticipated in the accounts as realized, and in the audit as approved; and all this is accomplished without any accounts being allowed to fall into arrear.

Compare this with the state of things in an Audit Office. In 1837, according to the evidence given by Mr. Hamilton, the Colonial Accounts of 1831 had not been audited; and the audit itself, always in arrears, appears to be of a most unsatisfactory character. The same witness states, that of the cash accounts of the Colonies, the auditors have no cognizance; and that the detailed entries (by which only a satisfactory examination can be established) are not even transmitted to the Audit Office. According to a statement made in conformity with an Order of the House of Commons in 1843, it appeared that the accounts of St. Helena and Van Diemen's Land had not been audited at all; that the accounts of Ceylon were eleven years in arrear at the Audit Office; those of the Cape of Good Hope eight years; of the Mauritius, and Southern Australia, seven years; of Malta and Upper Canada, six years; of Western Australia, five years; of Lower

Canada, four years, and so on; while the same Return gave most extraordinary reasons for the delay. In one case (Southern Australia) it is stated that the accounts previous to 1839 had not been delivered to the Audit Office; and those for 1840 had not been delivered complete. Incomplete accounts are, as everybody knows, nearly equivalent to no accounts at all. From the Colony of the Cape of Good Hope we learn, that the accounts were always in arrear; in arrear at the Audit Office—in arrear from the Colony; that illness and death had impeded the examination from being continued. Is this a tolerable thing for a public officer to avow—the service undone, and no arrangements made for doing it? Again, it is stated, in the Ceylon accounts, that there had been delays and arrears which are most unsatisfactorily explained — no answers to inquiries on accounts of 1834, and the inquiries as to the accounts of 1833 not received till the year 1840. In the Gambia accounts, illness and absence of the examiners pleaded as a reason for the delay; and the same causes stated as an excuse for the non-auditing the accounts of Sierra Leone and the Mauritius. A long list of the Colonial accounts are stated to have been neglected in consequence of the examiner being called away to "the examination of the accounts of the late service in Syria."

But, bad as matters are, they were formerly much worse. The Colonial accounts previously to 1814 appear never to have been audited at all; but the establishment of the Colonial Audit did lead to some useful suggestions, which, however, have been very imperfectly carried out; and which, indeed, have nothing of a complete or comprehensive character, and have proved wholly inadequate to remove the mass of irregularity and abuse. One point appears to have been tolerably well accomplished—namely, the separation of the military from the civil expenditure—which, though so obvious a necessity for distinguishing what charge should fall on the Colony, and what on the mother country, was formerly neglected. It would be wearying the House to exhibit in how many Reports an improvement in the manner of keeping the Colonial accounts has been insisted on. The Commission which in 1830 visited several of the Colonies, urgently recommend that a better mode of stating the accounts be adopted, and a system of uniformity introduced Nor did he (Dr. Bowring) conceive that the difficulties or the resistance would be great or immovable. In the Crown Colonies, it is clear, the Executive could at once and peremptorily interfere, and require the accounts to be presented in the form that is most satisfactory to the Government; and there is every reason to believe, from the evidence given before the Committee in 1837, that the Colonies having Representative Assemblies would very cheerfully concur in any suggestions having for their object the improvement of the public accounts. Some of them, as he had before remarked, have already begun the good work; and all must be really interested in a sound and satisfactory system of book-keeping. The Committee for which he was asking could not propose to interfere with the authority possessed by the popular Assemblies of the Representative Colonies. It could only suggest models and plans for the improvement of their public accounts; but as every honest and intelligent person must desire that accounts should be kept in the best shape —since no one profits by irregularity, except the careless and the fraudulent—he (Dr. Bowring) was persuaded that the Colonies in general would lend a hearty co-operation. And he would state some of the objects which he proposed to accomplish. And, first, a general scheme of improvements. Let the best plan be adopted—let its introduction be insisted on in the Crown Colonies, and recommended to the approval of the Representative Colonies. Let the system of double entry be universally recommended—of its value no unprejudiced person could entertain a doubt. The evidence of the Accountant General of the Navy (Mr. Briggs) is irresistible on this subject. He gives the strongest testimony as to the security it affords for accuracy, for despatch, and for economy—and its universal use among merchants—and its introduction by all Governments that have had their attention directed to the subject, leaves no room for doubt or hesitation. Then, again, it is a principle scarcely less important, that the gross revenues should, in all cases, be paid into the Colonial chest —that no deductions, under any plea whatever, should be made in their progress. This fundamental principle of all sound and satisfactory public accountancy, has been recommended by the Audit Board itself—has been approved by the Treasury, and laid down in the strongest terms by the Commissioners of Public Accounts.

The same principle requires that all proceeds of stores—all moneys of every sort which may be raised by the sales of public property, in or by any department of public expenditure, should not be applied by that department, but be paid into the public Treasury, to be drawn out only as any other public money is drawn. This, of course, implies that the departments of Receipt and Expenditure should be kept wholly distinct and apart; and the one be never allowed to interfere with the functions of the other. The gross revenue being thus conveyed to the public chest, some uniform system should be adopted for their appropriation; the authority under which they are to be drawn on should be accurately and clearly defined, whether under a Governor's warrant, or by authorities specially appointed. Some security analogous to that which the Exchequer exercises upon the issue of the public money in this country, ought to be established in all the Colonies. The mode in which all entries should be made, and all books kept in the Colonies, should be also prescribed; so that the progress of receipt and payment might correspond with the authorities granted by the estimates.

These estimates, in the shape of Budgets, should in all cases be the groundwork of the whole system. They should be regularly prepared, in all of the Colonies, previous to the commencement of the financial year; and after being submitted to the Colonial Office, be regularly laid before Parliament, not for the purpose of Parliamentary interference with the disposal of the revenues, but for the communication of all the important information to which the Imperial Parliament is entitled, and which it has always been in the habit of receiving, though in a very incomplete and unsatisfactory form. Years ago, when Sir George Murray was Secretary to the Colonies, he pledged himself that a Colonial Budget should be laid before Parliament. That promise seems to have been wholly forgotten; but if effect had been given to it, much embarrassment might have been prevented, and many abuses would have been eradicated. The control of the Colonial Office at the Treasury would have been strengthened, and we might have had at head-quarters, at the Treasury, a set of Colonial books, exhibiting the Colonial finances with the same regularity and accuracy as those of the mother country. At present all was uncertainty and anarchy; and with a view to put an end to this state of things, he had to propose, in the words of the Resolution of 1837,—

> "That a Select Committee be appointed to examine into the Accounts of Colonial Receipt and Expenditure, laid on the Table of this House, and to report as to the mode in which it may be desirable to frame the same for the future, in order to introduce uniformity, regularity, correctness, and completeness."

Mr. *G. W. Hope* did not rise to object to the Committee, but wished the House to consider to what extent it was likely their labours would be valuable. As he understood, the proposal was to take such Members of the former Committee as were now in the House, to complete the inquiry they began, with a view partly to an improved mode of collection, and partly to a Colonial Budget, of course with estimates to be laid on the Table, without which a Budget would be useless. Now, as regarded the Crown Colonies, the Government assumed responsibility over the Revenue, and had been for years occupied in introducing improvements; but, as regarded Colonies having popular forms of Government, that House and Her Majesty's Ministers had no responsibility; but left the matter in the control of the local Assemblies; if the House made a recommendation it rested with those Colonies to adopt it or not, as they pleased. As far as the Government had power over its own officers, it was already endeavouring to enforce regularity; but variety must be expected from a number of Colonial Assemblies.

Mr. *Hume* thought that even a suggestion to those Assemblies would be useful, though it might not be authoritative. If the right hon. Baronet (Sir R. Peel) wanted money, here was a department in which large sums might be saved. An enormous expense for collection was allowed in order to keep up patronage; and in the mode of levying many of the products of this country were unfairly dealt with. The Colonies ought to be no expense to the mother country; whereas we were paying large sums for Australia and other of our possessions. In France there were no complaints of mismanagement; but then there was a board comprising a delegate from each Colony, to whom the Minister of Marine resorted for a Report on any question that might arise. He thought the Government acted wisely in complying with the Motion of his hon. Friend.

OPENING LETTERS AT THE POST OFFICE.] Mr. *Sheil:* I have risen in order to move the Resolution of which I gave notice before the Easter recess. I submit it in the following terms:—

> " *Resolved*—that This House has learned with regret that, with a view to the prevention of a political movement in Italy, and more especially in the Papal States, Letters addressed to a Foreigner, which had no relation to the internal tranquillity of the United Kingdom, should have been opened under a warrant bearing date the 1st day of March, and cancelled on the 3rd day of June, 1844, and that the information obtained by such means should have been communicated to a Foreign Power."

Let me be permitted in the first instance to correct a misconception. It is not my purpose to make the fatalities which happened in Calabria the grounds of imputation. I believe every word which has been stated by Lord Aberdeen. In this country —this veracious country, in which the spirit of truth is pre-eminent, if a Minister of the Crown, no matter to what party he may appertain, rises in his place in either House of Parliament, and either with respect to what he has done, or what he has not done, makes a solemn asseveration, with an instinctive promptitude, he is instantaneously believed; and if in the case of every man who is in the enjoyment of the official confidence of his Sovereign, this remark holds good, how much more applicable it is to a statesman, with honour so unimpeached, with honour so unimpeachable, as the Earl of Aberdeen. I will not deny that it has been to me the occasion of some surprise, that with the letters of Emilio and of Attillo Bandiero before his eyes, letters written at Corfu, and relating to the intended descent upon the Calabrian coast—with such means of knowledge—with so much light about him, Lord Aberdeen should have been in ignorance so complete; but his statement—the simple statement of a man of such indisputable truthfulness—outweighs every other consideration, and to any conjecture injurious to Lord Aberdeen I will not give myself leave to give way; but the actual descent upon Calabria, and the prospective movement in the Papal States, are distinct. The scaffolds of Cosenza and of Bologna are unconnected. Lord Aberdeen has cleared himself with regard to any perfidy being practised towards the Bandieras; but the Post Office intervention with regard to the movement in the Ecclesiastical Territories has with the Calabrian catastrophe little to do. This distinction has been lost sight of in the course of the Post Office discussions. Indeed, the public attention was a good deal engrossed by the Parliamentary encounter between the Secretary for the Home Department and his old and valuable Friend. By a singular combination of bravery and of ability, the Member for Finsbury has obtained a series of successes of the most signal kind. I cannot help thinking, however, that more plausibilities may be pleaded for the opening of the letters of a Member of Parliament than for breaking the seals of letters written to a foreigner, who had no English confederates, who had raised no money in England, who had not made any shipment of arms, who had not enrolled any auxiliary legion, and whose letters related to transactions with which the internal tranquillity of England is wholly unconnected. The Duncombe is not so strong as the Mazzini case. What is the case of Joseph Mazzini? He is an exile in a cause once deemed to be a most noble one. In 1814 England called on Italy to rise. The English Government (it then suited their purpose) invoked the Venetian, and the Genoese, and the Tuscan, and the Roman, and the Calabrian to combine for the liberation of their country. Proclamations (I have one of them before me) were issued, in which sentiments were expressed for which Mazzini is an exile, and for which the Bandieras died. Botta, the Italian historian, tells us that Lord William Bentinck and Sir Robert Wilson, acting by the authority of the English Government, caused a banner to be unfurled, on which was inscribed "The Independence of Italy," and two hands were represented clasped together, as a symbol of the union in which all Italians were invited by the English Government to combine. How badly have we acted towards Italy! When our purpose had been served, after having administered these provocatives—after having drugged Italy with provocatives, we turned suddenly round —we surrendered Italy to a domination worse than that of Napoleon, and transferred to Austria the iron crown. But the spirit of nationality did not expire; it remained, and a long time, dormant; but it was not dead. After the Revolution in France of 1830, and the Revolution in

England in 1831, a reform of abuses—of proved abuses — was demanded in the Ecclesiastical States. It was denied, and an insurrection was the consequence. It was suppressed, and Mazzini, who was engaged in it, was compelled to fly from Italy, bearing the love of Italy, the malady of exile, in his heart. Louis Blanc, in his history of the ten years, gives an account of the incidents which took place in the struggle between the Papal Government and its subjects, to which I will not minutely refer, because he may not be regarded as an impartial writer; but in the appendix to the third volume of his work, a document is to be found of a most remarkable kind. Lord Palmerston had directed Sir Hamilton Seymour, who belonged to the Legation at Florence, to proceed to Rome with a view, in concert with the Representatives of the four Great Powers, to induce the Papal Government to adopt such reforms as would prevent any popular outbreak, from which consequences prejudicial to the peace of Italy might be apprehended. The utmost efforts were made by Lord Palmerston not to crush the just efforts made by Italians for the reform of great abuses, but to induce the Government, by a timely concession, to prevent any popular commotion. Sir Hamilton Seymour was employed by Lord Palmerston for this purpose. He writes the following letter to the Delegates of the Four Powers, which is, I think, most deserving of attention:—

"*Rome, September* 7.

"The undersigned has the honour to inform your Excellency that he has received orders from his Court to quit Rome, and to return to his post at Florence. The undersigned is also instructed briefly to express to your Excellency the motives which have induced the English Government to send him to Rome, and also the reasons for which he is about to quit that city. The English Government has no direct interest in the concerns of the Roman States, and has never thought of interfering in them. It was invited by the Cabinets of France and of Austria to take part in the negotiations at Rome, and it yielded to the entreaties of both those Cabinets, in the hope that their good offices, when combined, would lead to the amicable solution of the discussions between the Pope and his subjects, and thus avoid the danger of war in Europe. The Ambassadors of Prussia and of Russia at Rome, having subsequently taken part in these negotiations, the Ambassadors of the Five Powers were not long in discovering the chief vices of the Roman Administration, and the remedies which they required. In May, 1831, they laid before the Papal Government a memoir suggesting reforms, which they unanimously declared to be indispensable for the permanent tranquillity of the Roman States, and which the English Government considered to be founded in justice and in reason. More than fourteen months have elapsed, and not one of their recommendations has been adopted or executed by the Papal Government. The edicts, even, which have been prepared or published, and which announce that some of these recommendations are about to be carried into effect, differ essentially from the measures specified in the memoir. The consequence of this state of things has been such as might be expected. The Papal Government not having done anything to allay the popular discontent, it has augmented, and has been increased by the disappointment of the hopes which had been awakened by the negotiations at Rome. Thus the efforts made for more than a year by the Five Powers to re-establish tranquillity in the Roman States have been made in vain. The hope of seeing the population voluntarily submitting to the sovereign power is not stronger than it was at the commencement of these negotiations. The Court of Rome appears to rely upon the temporary presence of foreign troops, and upon the co-operation which it expects from a corps of Swiss, for the maintenance of order. But foreign occupation cannot be indefinitely prolonged; and it does not appear that a corps of Swiss, such as the Papal finances could support, would be sufficient to control a discontented population. Even if tranquillity could be restored by these means, it could not be expected that it would be durable, and would besides never accomplish the objects entertained by the English Government in taking part in the negotiations. Under these circumstances, the undersigned has received orders from his Government to declare that his Government no longer entertains any hope of success; and that the presence of the undersigned at Rome no longer having any object, he has been instructed to resume his post at Florence. The undersigned is besides directed to express the regret which he profoundly feels at not having been able for a year and a half to do anything for the re-establishment of tranquillity in Italy. The English Government foresees that if there be a perseverance in the present course new troubles will break out in the Roman States of a still more serious nature, and of which the consequences will at last become dangerous to the peace of Europe. If these anticipations shall be unhappily fulfilled, England will at all events be free from all responsibility for the calamities which will be occasioned by the resistance offered to the wise and urgent councils given by the English Cabinet.

"G. H. SEYMOUR."

Now, Sir, I think this document reflects great honour upon Lord Palmerston; but the merit is not undivided; it belongs in part to the right hon. Baronet the Secretary for the Home Department, who was a Member of the Reform Cabinet, under whose sanction no doubt this course was adopted. When the Secretary for the Home Department signed a warrant for the opening of Mazzini's letters, did he revert to that document, and did he suggest to the Austrian or the Roman Court the adoption of the salutary ameliorations by which alone the tranquillity of Italy can be secured? The prediction of Sir Hamilton Seymour was fulfilled. The Romagna was in a state of almost perpetual disturbance; all redress of grievances was refused, and at length, in 1844, a conjuration for an insurrectionary movement was formed. The Austrian and Roman Governments were apprised of it, and a communication was made from what the Committee call a high quarter to the English Ministry. The Secretary for the Home Department signed a warrant on the 1st of March for the opening of Mazzini's letters. The following words of Lord Aberdeen are remarkable. He said on the 28th of February—"Your Lordships are already aware that that warrant was not issued by me or at my desire." This statement is most singular. Lord Aberdeen, the Foreign Minister, upon a question so grave as the exercise of such a prerogative, expressed no wish "that it should be resorted to." The matter, apparently at least, fell within his exclusive cognizance. He was to determine how far the peace of Europe was affected. Lord Aberdeen goes on and says,—

> "In saying this, however, the House must not understand that I am the least prepared to censure the issue of that warrant. I am quite prepared, as well as every other Member of the Government, to share the full responsibility of that proceeding; I only wish the fact to be accurately stated."

Now, Sir, this is clearly the language of indirect repudiation. It is true that Lord Aberdeen became an accessory after the fact, but he did not take the initiative. We all know what sharing responsibility means. Each Member of the Cabinet takes his quota, and in the division the burden is supposed to be lightened. But wherefore did Lord Aberdeen state that it was not at his desire that this proceeding was adopted? What had the domestic Minister, the Minister of the Interior, to do with the subject? I have a curiosity—the noble Lord the Chairman of the Committee will probably call it prurient—in an eminent degree the "*curiosa felicitas*" is possessed by him; but I have a curiosity to know, why the Secretary for the Home Department took on himself this very painful office? Is it that, although the temporal dominions of the Pope are connected exclusively with Lord Aberdeen's department, an exceedingly interesting and agitated portion of the spiritual dominions of His Holiness is within the more immediate surveillance of the Home Secretary? But whatever was the cause regarding which the Committee, who leave a good deal to the imagination, say nothing, it is certain that for three months Mazzini's letters were opened, and folded again, and resealed, and delivered to him just as if nothing at all had happened. My hon. Friend the Member for Finsbury brought the case before the House of Commons; at first he was received with all the authoritativeness of office; he was surveyed by the Home Secretary with a lofty taciturnity. But the Prime Minister soon saw that public opinion ran with my hon. Friend, and granted a Committee. I pass over all that has been said about the constitution of the Committee; there was not a lawyer amongst them, although they were charged to inquire into the state of the law. They were not a jury of inquisitors. No, not one of them was fit to act as a Commissioner on the Income Tax; but it must be acknowledged that they are men of great intelligence, and of the highest worth and honour. I cannot, however, conceive why they have involved Mazzini's case in so much mystery. They tell us that they cannot tell us all. Why not? We are informed that a communication came from a "high quarter." Was it from Mr. Peter, at Rome? We are told that a communication was made to a Foreign Power. What Foreign Power? The Committee state, that the information deduced from the letters—strange expression! deduced from the letters, was communicated to a Foreign Power, but did not implicate any person within the reach of that Foreign Power. But it might have implicated some person within the reach of another Foreign Power, to whom the information might be given at second hand. The conspirators at Bologna were not within the reach of Austria, but they were within the reach of Rome. But suppose that I abandon that suggestion, give me leave to ask how could the Committee know that the information would not indirectly tend to criminate individuals? Some details must have been given; no name, but a place, a time, will suggest a name. Give a hint to a Bow-street officer, put him on the scent, and how much will be traced out by him! But what are the ablest *attachés* of the Home Office—what are the most skilful among the retinue of the right hon. Gentleman, to the Bologna police? Put an Italian bloodhound on the track; let him but smell the vestige of a Liberal, and with a sanguinary instinct he will scent his victim to the death. But, whatever be the opinion of the Committee, there are two facts beyond doubt; first, that the Italian newspapers boasted that Mazzini was under the peculiar surveillance of the English police; and, secondly, that six weeks after the letters were opened six men were put to death for political offences at Bologna. Of the blood shed in Calabria you are wholly innocent; and I trust that with the blood shed at Bologna the hands of no British Minister are aspersed. Sir, this proceeding is without a precedent. The First Minister of the Crown stated that the Government had only done what their predecessors had done. Which of your predecessors communicated to a Foreign Government the information deduced from letters? My noble Friend never did so. He did, indeed, interfere in the affairs of Portugal and of Spain, but never by these means. He never got information from a Miguellite or a Carlist letter, and transmitted it to Lisbon or Madrid. He sent Sir De Lacy Evans to St. Sebastian, who arrested the career of Carlist victory. He did interfere, but it was against despotism that he interposed. He interfered at Rome, but it was not with a view to the maintenance of the Conservative institutions which you have taken under your protection. Yours is the praise (the merit of originality is all your own) of having been the first to stretch the Statute of Anne, founded on a Statute passed during the Commonwealth, into an instrumentality of this kind. You might have found in the history of the Commonwealth something with regard to Italy more deserving of your imitation. At the hazard of exposing the peace of Europe, your republican forefathers made Sardinia quail, and rescued a portion of her subjects from the persecution of which they were the victims; and if all England was animated by the sentiment to which the greatest writer in your language has given an immortal expression—if 200 years ago your republican predecessors were fired by the fearless passion for religious freedom, is it fitting that their descendants should not only be insensible to the cause of civil liberty, but that they should become the auxiliaries of despotism, that they should lend an aid so sinister to crush the men who have aspired to be as you are, and that, by an instrumentality so deplorable, they should do their utmost to aid in the oppression of a country in whose freedom those who are in the enjoyment of true liberty can never be unconcerned? You think, perhaps, that I have in a moment of excitement into which I have permitted myself to be betrayed forgotten the facts of my case. I have not. I go back to the Post Office and to the Home Department, and I ask what is the palliation for this proceeding? I will give it from the answer given by the Prime Minister to a question put by the Member for Pontefract. Your extenuation is this—not that the inhabitants of Romagna have not monstrous grievances to complain of—no such thing; but this,—if there be an outbreak in Romagna, the Austrian army will march into the Papal States—if the Austrian army march into the Papal States the French will send troops to Ancona—if the French send troops to Ancona there may be a collision—if there be a collision there may be a war between Austria and France—if there be a war between Austria and France there may be a general Continental war—if there be a Continental war England may be involved in it; and therefore, but not at the desire of Lord Aberdeen, you opened Mazzini's letters, and acted on the most approved principles of continental espionage. The word is strong—is it inappropriate? If you had employed a spy in the house of Mazzini, and had every word uttered in his convivial hours, at his table, or even at his bedside, reported to you, that would be espionage. Between that case of hypothetical debasement and what has actually befallen, the best casuist in an Italian university could never distinguish. Are we, in order to avoide the hazards of war, to do that which is in the last degree discreditable? You would not, in order to avoid the certainty of war, submit to dishonour. When an Englishman was wronged in a remote island in the Pacific, you announced that the insult should be repaired, or else—; and if you were prepared in that instance to incur the certainty of war, and to rush into an encounter, the shock of which would have shaken the world, should you, to avoid the hazards of war, founded on a series of suppositions, perpetrate an act of self-degradation? There are incidents to this case which afford a warrant for that strong expression. If you had sent for Mazzini—if you had told him that you knew what he was about—if you had informed him that you were reading his letters—the offence would not have been so grievous; but his letters were closed again—with an ignominious dexterity they were refolded, and they were resealed; and it is not an exaggeration to say that the honour of this country was tarnished by every drop of that molten wax with which an untruth was impressed upon them. Is there any clause in the Statutes of Anne, and of William, and of Victoria, by which this fraud is warranted? There have been questions raised as to whether a separate warrant is requisite for every separate letter. But there is no proviso in the Act legalizing this sleight-of-hand, this worse than thimble-rig proceeding. I have not entered, and I will not enter, into any legal disquisitions; it is to the policy, the dignity, the truthfulness of this transaction that my Resolution is directed. It will no doubt be said that the Committee—men of great worth and high integrity, and singular discrimination—have reported in favour of the Government. I admit their worth, their integrity, and their discrimination; but I deny that they have reported in your favour. They avoid, cautiously avoid, finding a justification, giving an approval of your conduct. They say that they see no reason to doubt the goodness of your motives. Your motives! There is an aphorism touching good intentions, to which it were a deviation from good breeding too distinctly to refer; but it is not for your good intentions that you were made a Minister by the Queen, or that you are retained as a Minister by the House of Commons. The question is not whether your intentions are good or bad; but whether you have acted as became the great position of an English Minister, named by an English Sovereign, and administering a great trust for the high-minded English people. I think that you have not; and it is because I think so, that I propose a Resolution in which I have set down facts beyond doubt and beyond dispute; and with facts beyond doubt and dispute I have associated an expression of sorrow in which I trust this House will participate.

Sir *James Graham:* Sir, it becomes my duty to follow immediately the right hon. Gentleman; and I assure the House and the right hon. Gentleman that it is not my intention to aspire to any rivalry with the brilliant declamation which characterised the speech which he has just concluded; and probably if I attempted it I should find my ability inadequate to the task. I shall therefore proceed at once to address myself to the matter now brought, not for the first time, the second time, nor even for the sixth time, under the consideration of the House; and, in the first place, I will address myself to the topic to which the right hon. Gentleman especially referred at the beginning of his speech. The right hon. Gentleman stated—and in that statement I am happy to say that I most cordially agree—that the honour of my noble Friend the Secretary of State for Foreign Affairs places every declaration made by him in his place in Parliament beyond the reach of doubt or question. My noble Friend the Secretary of State for Foreign Affairs has stated in his place in Parliament, that no letter dated at Corfu, coming from the Bandieras, was ever seen by him or by any person at the Foreign Office. That declaration is broad and unequivocal, and meets the presumption raised by the right hon. Gentleman, even after the declaration he made that the assertion of my noble Friend is to be believed; it perfectly meets, I will not say the suspicion which has been excited—but it meets that part of the subject which the right hon. Gentleman said was unexplained, with respect to the letter which he states was written on the 1st of May at Corfu, by one of the Bandieras, to Mr. Mazzini, containing detailed information of an intended descent on the coast of Calabria. My noble Friend the Secretary for Foreign Affairs, not resting on his own knowledge, but confirmed by persons at the Foreign Office equally cognizant of these transactions, in the most solemn manner denies that any such matter was seen by him; and I am authorised by him to state that no letter written by the Bandieras at Corfu to Mr. Mazzini was ever intercepted or seen by him. The right hon. Gentleman then proceeded to refer to certain proclamations issued at an early period by the English Government, recommending or rather exciting a spirit of independence and union among the Italian people, which he characterised as inconsistent with the course which the Government, in pursuance of what they considered their duty, had now thought proper to pursue. The right hon. Gentleman has referred to the proclamation of Lord William Bentinck, in 1814. It happens that I am cognizant of all those transactions; for I shall never cease to consider it as one of the most fortunate circumstances of my life, that at the commencement of my career I had the high honour of serving on the staff of Lord William Bentinck. But these proclamations were issued before the general peace of Europe, and before the general arrangements made at the Congress of Vienna; and I cannot admit that proclamations issued under such circumstances have the slightest bearing on the policy to be pursued by the British Government at a period when it was bound by Treaties solemnly entered into and religiously observed for upwards of a quarter of a century, and on which the peace of Europe mainly depends. The right hon. Gentleman states that after all the discussions which have taken place on this question, it still remains involved in mystery. Now, as far as depends on me, any shadow of doubt that still hangs over the transaction shall be removed by my statement. I am most anxious, as far as I am concerned, that no mystery shall hang over it. I will therefore state to this House that in the month, I think, of October, 1843, I happened to be the only one of the three Secretaries of State then in London. My two noble Colleagues were absent, and I being the only Secretary of State on the spot was bound to perform the duties of the various departments connected with the absent Secretaries. Among other things, I had to receive communications from Foreign Ministers; and, if I mistake not, about the end of August, or beginning of September, 1843, movements of a formidable character (and not for the first time, as the right hon. Gentleman observed) took place at Bologna. I then received (which I have here) a despatch from Lord Holland, our Minister at Florence, giving information with respect to these disturbances, and representing them to be of a formidable, and not of an isolated character, but connected with a general movement throughout several Italian States. Towards the end of October the Austrian Minister, Baron Nieumann, waited on me in reference to those disturbances. He represented to me that these commotions at Bologna had assumed a very threatening aspect—that they were exciting great apprehension on the part of the Austrian Government; and he complained to me of certain publications of an inflammatory character emanating from the press at Malta. He endeavoured to persuade me that it was the duty of the English Government to take some steps for the suppression of such publications. I told him that the freedom of the press being established there, the question of whether it were politic or not could not be discussed between us; but that the freedom of the press being once established there, British law and rights must be respected; and I also told him, that there was no power vested in the Government which could enable it to suppress such publications. Baron Nieumann went on to state, that encouragement to insurrection was given by these publications, and that they were by no means confined to Malta or the Mediterranean; but that he had reason to know that a person then in London, who was well known in Italian antecedent revolutionary movements, was nearly connected with these publications of which he complained, and he specified Mr. Mazzini as that person. Until that time it so happened that I had never heard of that person. Having stated that person's name, Baron Nieumann placed in my hand a certain newspaper, called *Giovanena Italia,* which contained an article, the tendency of which was to encourage a simultaneous rising; it was written with all the eloquence for which Mr. Mazzini's writings are famed, and it was impossible for any one who read that publication not to see that it was of a very exciting character, to use the mildest term which could be applied to it. My communication with Baron Nieumann terminated with that conversation. It is right to state that from the end of October until the month of January, I heard no more on this subject. My noble Friend returned to the Foreign Office, and resumed his communications with the Austrian Ambassador, and until January I heard no more with reference to Mr. Mazzini. In January, a communication did take place between me and my noble Friend the Minister for Foreign Affairs with respect to the progress of the revolutionary spirit in Italy; and it was stated by my noble Friend that the communication made by Baron Nieumann was correct, and that not Malta nor Corfu, but London, was the centre whence all the movements in Italy were directed, which movements not only caused Foreign Powers to apprehend danger to the peace of Europe, but were on that account viewed with anxiety by the British Government. When it was made known that Mr. Mazzini was in London, I did not attach any particular importance to the fact at the moment; but towards the end of February a communication reached me and my Colleagues which left no doubt, not only as to the fact that Mr. Mazzini was residing in London, but that he was carrying on an extensive correspondence, and that many foreigners from different parts of Europe had also repaired to London, and were in communication with Mr. Mazzini. It then became my duty, as well as that of my Colleagues, to ascertain something of the character and the past proceedings of Mr. Mazzini. It is very far from my wish to dwell with unnecessary or undue harshness on the character of a gentleman whose talents are undoubted; whose efforts in a cause he believes to be a patriotic one have been unsuccessful; and who is not here to answer any reproaches which may be cast upon him. I feel therefore all the restraint arising from the circumstances to which I have referred. At the same time, this question has now assumed such a shape, that truth compels me to state some facts to the House and the country with respect to the past character and proceedings of Mr. Mazzini. The right hon. Gentleman (Mr. Sheil) has mentioned the name of Sir Hamilton Seymour; and I have before me a despatch addressed by that gentleman to the noble Lord the Member for Tiverton (Lord Palmerston), in 1832, when I had the honour of being a Colleague of that noble Lord, and when the attention of Earl Grey's Government was called by Sir Hamilton Seymour to the conduct and proceedings of this very gentleman. In the year 1831, various parts of Italy had been convulsed by insurrectionary movements. Those movements had failed; the leaders of them had been allowed to depart from Italy; the French Government had permitted them to take up their abode in Marseilles. There they established a society under the name of *La Giovanina Italia*, and over that society Mr. Mazzini presided. Sir Hamilton Seymour, writing, I think, in the month of March, 1833, to the Home Government, says,—

> "I some time since intended to mention a paper called *Giovanina Italia*, which is published in Marseilles, by a Mr. Mazzini, and being introduced into the Italian States, forms a kind of catechism for those in Italy who hold ultra-liberal opinions."

Sir H. Seymour went on in the subsequent portion of his despatch to describe that paper as a great encouragement to the disturbances which were going on in Italy. Now, Sir, I am bound to state, that the next information I received with respect to the proceedings of Mr. Mazzini was not so precise; still it related to a transaction of so serious a character, and one yet remaining unexplained in a satisfactory manner, that I think I ought not to pass it over altogether unnoticed. I hold in my hand the French *Moniteur* of the 7th of June, 1833, containing a passage which relates to proceedings that took place at Rodez, a town in the south of France, of a dark and suspicious character. The *Moniteur* says,—

> "A threefold assassination has just alarmed the town of Rodez. Three Italian refugees have fallen under the dagger of one of their countrymen. We will limit ourselves in the first instance to giving a simple statement of the facts which have preceded and accompanied this event. The judicial inquiry will clear up all the circumstances of the catastrophe. . . . But the excitement was renewed in October. At 9 o'clock in the evening of the 20th, M. Emiliani, one of the refugees, whose name had been more than once put forward in the threats of the disorderly, was attacked by several of them, and received two rather severe wounds; and his recovery was owing solely to the assistance which was afforded to him by the inhabitants of Rodez. The assassins were arrested. Proceedings were instituted against them. Things were in this state, and the prosecution was taking its course, when the Procureur du Roi received, in the middle of January, 1833, a copy of a sentence issued on the 15th December by the Superior Tribunal of Marseilles, pronouncing sentence of death against the persons named Emiliani and Scuriatti, and inflicting other punishments upon the persons named Lazzoreschi and Andreani, which sentence was signed by Mazzini, the very same person who, in November, had denied the existence of a tribunal and of sentences of this nature, and who has since been expelled the country by order of the Minister of the Interior. Measures were ordered to be taken by the authorities in order to examine into the authenticity of this document."

I am bound to say, that this information does not rest exclusively on report, but is given to the House on the authority of the French *Moniteur*. I should state to the House, that Mr. Mazzini threatened a prosecution of this newspaper for having reflected on his character, and making a charge which he declared to be false; but I am bound to add, that this prosecution was never proceeded with. Having prefaced my statements with that declaration, I shall now proceed to read to the House the sentence said to have been issued by the secret tribunal of the society at Marseilles, *La Giovane Italia;* it was a sentence of death against Emiliani, which was carried into execution, and if it was not done in consequence of that sentence, it was at least a remarkable coincidence. The sentence is this,—

> "The 15th of December inst., at ten o'clock at night, the chief of the society and the members composing it being assembled, the secretary was requested to make known a letter containing a sentence emanating from the tribunal of Marseilles against the accused Emiliani, Scuriatti, Lazzoreschi, and Andreani, whose proceedings have been referred to the President at Rodez, and from which results their guilt—firstly, as disseminators of infamous writings against our holy society; secondly, as partisans of the infamous Papal Government, with which they are in correspondence, and which only tends to paralyse our projects in favour of the sacred cause of liberty. After a mature examination of the charges which result from the trial, applying the Article 22, unanimously condemn Emiliani and Scuriatti to death.
>
> "With regard to Lazzoreschi and Andreani, the charges brought against them being less strong, they are only condemned to be flogged with a rod, subject, however, to undergo a fresh judgment upon their return to their country, by which they may be sent to the galleys for life as noted traitors and brigands.
>
> "The President at Rodez will make choice of four persons to execute the present sentence, who will be charged to carry it out within the space of twenty days. Any one refusing this duty incurs thereby the pain of death.
>
> "Done at Marseilles, by the Supreme Tribunal, at the hour of midnight, the year and day as above. Mazzini, *President.*"

I have stated to the House that, towards the end of February, I received information of the presence of Mr. Mazzini in London, of the extensive correspondence he was carrying on, and of the number of foreigners who had congregated here; it then became my duty to make some inquiries with respect to this person. I have mentioned two branches of my former inquiries and their results—first, the information received from Sir H. Seymour as to the residence of Mr. Mazzini at Marseilles in 1832, and the attempts then made to disturb the peace of Italy; and next, as to the suspicious, dark, and lamentable transaction at Rodez, from being connected with which Mr. Mazzini has not yet cleared himself. But I am now about to quote to the House a despatch from Mr. Morier, the British Minister in Switzerland. Shortly after this Rodez transaction, such was the suspicion entertained with respect to it, resting on the facts already referred to, that the Government of France refused to Mr. Mazzini the asylum he had so much abused, and ordered him peremptorily to quit the dominions of the French King. In consequence of that expulsion from France, Mr. Mazzini took up his abode at Geneva; and as he had made Marseilles the centre of plots against the peace of Italy, so from the first period of his residence at Geneva he commenced a series of intrigues, and organised measures against the peace of the kingdom of Savoy. Mr. Morier, the British Minister in Switzerland, residing at Berne, writing on the 28th of January, 1834, says:—

> "A body of Poles and of Italian refugees left the quarters assigned to them at Porentrici and Brienne, and being joined by others from Geneva, entered the territory of Savoy at the village of St. Julien. They were under the command of General Romarino, a Sardinian refugee, who had held a command in the Polish insurrectionary war, and had, together with his division, laid down their arms to an Austrian corps in Galicia. The expedition was, however, under the direction of Mazzini, who appeared, to have been residing at Geneva. A simultaneous movement was likewise made by another body of adventurers from France by the points of Seyssell and Les Eschelles."

Mr. Morier also mentions other movements made by another body of adventurers from France, and describes the failure of the first expedition into Savoy. This failure he attributes "to the precipitation of Mr. Mazzini, who anticipated by two or three days the time of operation, by issuing a proclamation purporting to be from the provisional Government of Savoy." Mr. Morier also states,—

> "The conduct of the chief actors in this enterprise is represented as having been, in point of talent, courage, and good faith among each other, as disgraceful as the issue has been to them disastrous. They are accused of having, after their return to Geneva, several times broken their word of honour pledged to the Government that they would remain quiet. It is said they were detected only two nights ago endeavouring to re-engage men at Cacouge for the renewal of the aggression against Savoy."

I will not refer to other authorities for anything with respect to the conduct of Mr. Mazzini in the interval between 1834 and the period more immediately connected with the Motion of the right hon. Gentleman. But there is one other document to which it will be my duty to call the attention of the House. The right hon. Gentleman has referred to Sir H. Seymour; to the wishes and feelings of Lord Grey's Administration with respect to the Papal Government; and has read an extract from a despatch of the noble Lord the Member for Tiverton to Sir H. Seymour. I have also called the attention of the House to a communication made about the same time by Sir H. Seymour, then charged with the duties of British Minister at Florence, in which he called the attention of the noble Lord to the proceedings of Mr. Mazzini at Marseilles; which he thought were not consistent with the preservation of the peace of this country. The date of the warrant I issued was the 1st of March, 1844; and by an odd coincidence I am going to read an extract from a letter of Sir Hamilton Seymour, addressed to my noble Friend the Earl of Aberdeen, also bearing date the 1st of March, 1844. [An hon. *Member:* Where from?] The letter was written from Brussels; and in it Sir Hamilton Seymour says,—

> "Prince Pierre Bonaparte, who has resided for some time past in the Ardennes, applied some time since for permission to take up his abode at Brussels."

First, let me observe that the Belgian Government is one of recent origin, owing its existence to a revolutionary movement; but still, even in that country, let me beg the House to observe the power which that Government—owing its origin to such circumstances—thought it its interest to exercise with respect to the residence of foreigners. The Belgian Government was asked to give permission for Prince Pierre Bonaparte to reside in Brussels; and Sir H. Seymour further states,—

> "This request the Government were on the point of complying with, when their resolution was changed by representations made by the French Ambassador. His Excellency, who has spoken to me on the subject, believes Prince Pierre Bonaparte to be concerned in the manifestation of discontent at present to be observed in the Roman States, and in still more serious disturbances which he understands to be in preparation in the same quarter. He is informed that Mr. Mazzini, the head of the '*Giovane Italia*' Association, who is now an exile in England, is one of the most active promoters of these seditious movements; and that this person wishes to make some communication to Prince Pierre through ———. It so happened that I was the first person who had called the attention of the Government to Mazzini [referring to the despatch of 1833, which I have already read to the House], and never doubted that he and his associates were a set of dangerous adventurers, whose movements should be closely observed."

Now, Sir, the right hon. Gentleman has truly stated that my noble Friend the Secretary of State for Foreign Affairs said, in reference to the warrant in Mr. Mazzini's case, that though he was willing to share the responsibility of issuing it, still it was not issued at his desire. I most frankly and decidedly confirm the statement of my noble Friend; I am responsible for the issuing of that warrant. The original communication with respect to Mr. Mazzini was made to me in consequence of the casual absence of my noble Friend the Earl of Aberdeen from London. I received from time to time other information with respect to the proceedings of Mr. Mazzini. Towards the end of February I had informed myself of the past conduct of that individual, and in consequence I was quite satisfied of the truth of what my noble Friend stated, that London was the centre, under the direction of Mr. Mazzini, of the great movement against the Italian Government which he conscientiously believed endangered the peace of Europe. From these original communications, and from the results of subsequent inquiries, I did not think it consistent with my duty to shrink from the responsibility of issuing that warrant. Whatever the offence may be, I am responsible for that act. The right hon. Gentleman asks at whose desire this was done? I give my most solemn assurance to this House, that that warrant was not issued by me at the instance of any person whatever, least of all at the instance of any Foreign Minister or Foreign personage. It was issued solely with a view to British interests, because to the best of my judgment I thought the time had arrived when, possessing by law the power of issuing such a warrant, I was bound for the good of the British public to exercise it. And thinking it a painful, an invidious, I may even say, an odious duty, to issue such a warrant, still I did not shrink from it. Having said this, I am sure the House will feel that what I am now about to state is not unduly put forward by me. The House will remember what is stated by the Committee,—that having issued the warrant, all I subsequently did was merely ministerial. I intercepted certain letters; a copy of every letter received at the Home Office after the first week in March was forwarded by me, unread, to the Foreign Secretary; and the Foreign Secretary made that use of the correspondence which he considered necessary to the service of the Crown. The right hon. Gentleman states the truth when he says any declaration of my noble Friend the Earl of Aberdeen is entitled to implicit belief. I am not directly and personally cognizant, except through the declaration of my noble Friend, of the use made of this correspondence; the House, therefore, under present circumstances, will perhaps allow me to read—though it may not be strictly regular—what fell from the Earl of Aberdeen with respect to the use made of this correspondence. Did he communicate any one of these letters to a Foreign Minister? He gives to this charge his solemn and deliberate denial. Did he expose any person to danger by revealing his name? He gives an unequivocal denial to this charge also. He says,—"It is but too probable that the peace of Europe would not have been of long continuance had such an event taken place." That event was the advance of the Austrian troops. My noble Friend stated, on a former occasion, the British Government was fully aware of the disturbances beyond the Po, and said, if they became serious the Austrian troops had peremptory orders (without reference to Vienna) to advance at once from Milan. I have no hesitation in stating, on my own responsibility, that those proceedings were not only calculated to endanger the peace of Europe, but to be fatal to it. Lord Aberdeen goes on:—

> "My Lords, the centre of these conspiracies and these projects was believed to be, not in the Ionian Islands, or in the Mediterranean, but in London."

The really important question, however, is what was the use made by Lord Aberdeen of the information he obtained? Hear what he says on this point,—

> "The course I adopted was this—I determined that no agent of any Foreign Government should see a single syllable of these letters; further, that no agent of any Foreign Government should know that any such letters existed, and of course that the name of no writer should transpire; in addition to this, I determined to keep in view the necessary regard to the personal safety of all individuals who might be compromised by any information given. With this care, and with these precautions, from time to time I communicated such information as I thought I could consistently with those restrictions and with my duty, to the Austrian Government."

But, Sir, the right hon. Gentleman made a remark—he made it in such a manner certainly that I cannot complain of it, yet that such a suspicion should have even for a moment crossed his mind was very painful to me—he expressed his conviction that the British Government was clear from the blood shed on the coast of Calabria; but he referred also to the blood shed on the scaffold at Bologna, and hoped our conscience was equally clear. He asked whether any of the letters or the copies of them, or the information obtained through Mr. Mazzini's correspondence, was communicated to any other Government. Now, I most unequivocally, decidedly, and solemnly state, that no communication was made by Lord Aberdeen, with reference even to any portion of this correspondence, to any other Minister except the Austrian. I have that assurance from my noble Friend; and the right hon. Gentleman himself says that any assertion of my noble Friend is quite satisfactory to him. The right hon. Gentleman has with perfect fairness kept out of view in his Motion every legal question as to the validity of these warrants or as to the policy of issuing them. The hon. Member for Finsbury has given notice of a Motion to bring that subject under the notice of the House, intending to propose either that the Statutes may be repealed, or that they should be materially altered. When that Motion comes on the proper time will arrive to enter on those questions. Therefore I will not do more than merely glance at one topic which is incidental to this branch of the question. The right hon. Gentleman said that the honour of England was tarnished by the practice of Ministers opening letters, making copies, and then forwarding them to the parties, without letting them know that they had been opened. Now, in a matter of this kind, I do not wish to rely more than ought fairly to be done on usage and precedent; but at the same time I feel bound to say, that the form of the warrant issued for this purpose has not been varied for many years. To show this, I will read two of them to the House. I would observe, however, that where the warrant directs a copy of a letter to be sent to the Secretary of State the irresistible inference is, that the letter was meant to be forwarded. Whatever, however, be the interpretation put on the warrant, it is certain that the practice from the earliest period has been to stop the original letter, to copy it, and afterwards to forward it.

The House will see that the power would not be of any use for public purposes were any other interpretation put on it. The chances are, that in stopping a single letter you stop an unimportant one. For instance, take the case of the interception of letters before the attempt of Prince Louis Bonaparte to make a descent on the coast of France. If in such a case you were tied down to a single letter, that letter might be most insignificant, containing no intelligence of importance, while the stoppage of it would notify to Louis Bonaparte the frustration of any measures adopted by him. Under such circumstances, to deprive the Government of the means of obtaining information might be attended with the most disastrous consequences to the public peace. The power, then, would be useless if confined to a single letter. I have already stated that the form of the warrant has always been similar. I will read to the House a warrant issued by the Duke of Newcastle on the 11th of December, 1741. It is as follows:—

" *Whitehall, Dec.* 11, 1744.

" My Lord and Sir;—I am to desire, and do hereby authorize you to open all letters that shall be brought to your office directed to Eneas Macdonald, Banquier, Rue Aubry le Boucher, Paris; as also all letters directed to Mr. William Cockburn, at the Plantation Coffee-house, London, or to William Cockburn, without mentioning any particular place; and you will also open all packets addressed to any other persons in which you shall have reason to apprehend that there may be enclosed letters to either of the two persons above mentioned, and transmit to me copies of all such letters as you shall find directed to or wrote by either of them. For doing which this shall be your warrant.

" I am, &c.,

" HOLLES NEWCASTLE.

" The Postmaster General."

But perhaps this authority may be considered by some to be open to a constitutional objection. I will now read a warrant, the original of which was produced by me before the Committee—one to which I suppose no objection will be made on the other side. It was issued by Mr. Fox, on April the 26th, 1782, and I contend that its clear meaning is, that the letter should be forwarded after a copy has been taken. This is the warrant:—

" Those are in His Majesty's name to authorize and direct you from time to time, and until you shall receive orders to the contrary, to inspect or cause to be inspected all letters or packets which shall come into your custody, directed to, or sent by, any Foreign Minister of what rank soever, residing at this Court, as also all letters and packets directed to, or sent by, any other person of whom you shall, from time to time, have special notice for that purpose from me, or some other His Majesty's Principal Secretary of State; and you are to cause such letters and packets to be copied, which copies you are immediately to transmit to one of His Majesty's Principal Secretaries of State. And for so doing this shall be your warrant. Given at St. James's, the 26th day of April, 1782.

" C. J. Fox.

" The Earl of Tankerville and the Right Hon. H. F. Carteret, His Majesty's Postmaster General."

It happens that that warrant remained in force the whole time Mr. Fox was in office. The Marquess of Carmarthen, on the overthrow of the Administration of Mr. Fox, succeeded to his office, and on the day of his accession he signed another warrant, which was in terms identical with that which I have read. Sir, I will not weary the House with any remarks upon the painful nature of the duty enjoined by those warrants. I do not wish to shelter myself. I have frankly avowed the entire share I have had in the transaction. As I have already said, my judgment may have been wrong; but at the time I had made myself master of the conduct of Mr. Mazzini, I had found that dangerous intrigues were in progress conducted by him and by persons in conjunction with him, some of whom paid the forfeit of their lives, one of them having left this country with a false passport, obtained from Lord Aberdeen by false statements of his name and destination. I satisfied myself that what had been done by Mr. Mazzini was dangerous—and the Executive Government has no power of excluding foreigners, or of removing them from our shores, when they abuse our hospitality;—and, in passing, let me observe that this state of affairs may be really serious and dangerous; if you do not take care, the most serious results may follow from the want of such a power of control over the presence of foreigners in this country, for in the absence of such a power this country becomes a common sink for the outcasts of Europe; they do not come voluntarily only, but Foreign Governments, knowing that we have no power to prevent their coming, send them here;—in the absence then of any power of removal, the Secretary of State being authorized to inspect the correspondence of such parties, exercising my judgment honestly and fairly, I did believe, as I still do believe, that in the course I took I did not violate, but on the contrary I consulted, the public interests. Wisdom after the event is not very valuable. It is not right to judge any act by circumstances different from those which existed when the act was performed. The House will, no doubt, make the just allowance. They will, I trust, regard the case according to the circumstances which existed when I came to the decision. And I confidently believe, also, that had any Member on the opposite bench been placed in a situation to which the same responsibility was attached, he would have come to the same decision. I am bound to add, Sir, that I am at all times very sensible of the importance of the displeasure of this House. To receive the condemnation of this House, even in the very modified shape embodied in the Motion of the right hon. Gentleman, would be the most painful event of my life. But, at the same time, I must say that, on the whole, considering all the circumstances of the case—considering the knowledge possessed by my political opponents, both of the usage of the office I fill, which they also have filled, and of the responsibility which the tenure of that office involves—bearing in mind also the facts which I have now brought under the notice of the House, I would infinitely rather be the victim of the attack on this occasion than the assailant.

Mr. *Duncombe* said, that having presented petitions from Mr. Mazzini on two occasions, he should have risen to address the House with anxiety in this instance, had he not been prepared to state in his place that a more foul calumny had never been cast upon any individual than the right hon. Gentleman had thought fit on that occasion to utter upon the character of Mr. Mazzini. If that were any defence of the right hon. Gentleman's conduct, he did not think this was the time for blackening the character of Mr. Mazzini, when the right hon. Gentleman's own character and that of the Government were on trial: but he was happy to have it in his power completely, and, he believed, for ever, to set at rest the calumnies and the aspersions which the right hon. Gentleman had thought fit to cast upon this individual in his absence. What were the facts of the case? It appeared to him that at every step they took—every time they stirred this painful subject, the darker, deeper, and more disgraceful did these transactions appear, and the worse did the Government come out of them. When he moved for the Committee, the right hon. Baronet said, "You shall know from me the truth, the whole truth, and nothing but the truth." Why, the House had got much more out of him to-day, and they would still get more if there was a further inquiry. And this only proved the necessity of further inquiry, and that the Report of the Committee could not and would not stop there, and would not satisfy the public. His Motion had been to refer it to a Committee, and to have a full Report from a public Committee, by which the matter should be fully investigated. He had said, and he repeated, that the Report was unsatisfactory and evasive, and every step proved its evasion. One of his principal reasons for asking for the inquiry was, that in the subsequent petition presented by Mr. Mazzini, he said that gross calumnies had been uttered upon his character before the Committee, and he wanted an opportunity to set himself right with the Committee and with the world generally, and to defend himself against the vile and foul aspersions which had been cast upon him both in and out of doors, particularly with respect to the alleged diabolical attempt at assassination to which the right hon. Gentleman had referred. Of course he could not tell whether that circumstance had come under the cognizance of the Committee; but if it had, they were bound as honourable men to call Mr. Mazzini, and let him be heard when his character was aspersed, and particularly after his petition to that effect. The charge was neither more nor less than that Mr. Mazzini, while living at Marseilles, in conjunction with another man, La Cecilia, the secretary to this dark society, issued the order which the right hon. Gentleman had read. That appeared in a newspaper. The right hon. Baronet had been very active in raking up aspersions, and libels, and calumnies upon Mr. Mazzini; but if, instead of going to the *Moniteur,* he had taken the trouble of reading the *Westminster Review,* he would have found the whole matter explained. He (Mr. Duncombe) would read the article to which he referred, and which if not written by Mr. Mazzini, was corrected by him before it appeared in print. This was the article respecting the Committee:—

"We have already observed that England

is under no moral obligation to protect an escaped criminal; but a criminal in one country ought not to be punished by the laws of another. Wherever any man is condemned he should first be fairly tried. Suppose the case of a foreigner arriving in England, whom it would really be right to treat as an outlaw; one in no respect to be trusted, not even with pens, ink, and paper; and to be refused the privileges of the penny post. Before such a sentence of outlawry should be passed by an English tribunal, would it not be right that the man should be heard in his own defence? No, say the two Committees: let the tribunal be secret, the evidence be secret, the sentence itself be secret, and let it be secretly executed. In other words, let the Spanish inquisition be established in Downing-street. The two Committees were even willing to share in the responsibilities of such a court. What imputations will the reader suppose were circulated in high quarters against the character of Mazzini, and brought privately to the ears of the Committee, to make it appear that against such a man extraordinary precautions were really required? (They were now brought publicly before the House of Commons.) No less a charge than that of having instigated the murder of two of his own countrymen, in the year 1832! This infamous calumny may have made little impression upon the minds of the Members; but we know that both Committees were acquainted with the report, and that they refused to give Mazzini, or his friends, an opportunity of rebutting it; on the ground, we presume, that the facts were irrelevant to the inquiry. No facts, however, were deemed irrelevant that had a tendency to clear from injurious aspersions the characters of Sir James Graham and Lord Aberdeen. The origin of this calumny furnishes another argument against the policy of a system of espionage, in any form. Knaves cannot be kept from knavery. Spies, when they cannot detect a plot, will create one in order to betray it; and the kind of evidence they know to be desired, if it do not exist, they will take care to invent. On the 31st May, 1833, two spies of the Duke of Modena, Lazzoreschi and Emiliani, who had been sent to mix among political exiles, and worm out their secrets, were killed in a quarrel at Rodez (Aveyron), in the public road, in open day, by an Italian named Gavioli. The deed, although unpremeditated, as appeared from the verdict of the jury, naturally brought much odium upon the whole of the Italian exiles, and to damage them still further, advantage was taken of it by a secret enemy, to connect it with the name of Mazzini. The next week (June 8th) there appeared in the non-official part of the *Moniteur* (without any introductory preface or explanation) a forged document (which the right hon. Gentleman had given as a real document) purporting to be the decree of a secret revolutionary tribunal, pronouncing sentence of death upon Emiliani and others, and signed Mazzini, president, and La Cecilia, as secretary. As Mazzini was then lying concealed at Marseilles, this was looked upon by his friends as a *ruse* of the French police to induce all honest French citizens to assist in discovering his retreat. The badness of the style and composition, the half-French expressions, and numerous grammatical errors of the pretended document, proved that it could not have been written by any educated Italian, much less by a man of high literary reputation like Mazzini; who, however, at once denounced the forgery in the columns of the *Gazette des Tribunaux*. The subsequent trial of Gavioli, November 30, 1833 (before the Cour d'Assizes of Aveyron) satisfied the public that no such secret tribunal existed." (But hear something further on the matter) "The document was not produced in evidence, and the jury, convinced that Gavioli had no accomplices, and that the crime committed did not amount to murder with intent, returned a verdict of 'homicide sans préméditation.' Gavioli was sentenced to 'Les Travaux Forcés;' and further to show that the French Government perfectly well understood all the facts of the case, we may add, that the Italian (La Cecilia), whose name was coupled with Mazzini in the forged document, was at the time openly living in France, where he still remains, supported by the grants of the French Chamber for exiles, and was neither arrested nor once interrogated on the subject."

This, then, was the accomplice of Mazzini—this the man in whose crimes Mazzini was said to have participated. In 1840, the story was revived by Guisquèt, the ex-prefect of police, in his published memoirs, afterwards translated into English. The right hon. Gentleman had said that Mazzini threatened to bring a prosecution, but that he had never brought one. [Sir *J. Graham:* Not against the *Moniteur.*] No; but he took it against one paper, if not against another. The right hon. Gentleman had said that Mazzini threatened to bring an action against the libeller, but that he never did bring such an action. The right hon. Gentleman's words were, that a prosecution was never instituted. Now, he (Mr. Duncombe) did say that Mazzini brought an action. The action was brought, and the action was tried before the Tribunal Correctionel de Paris, and what did the House think was the charge met?

"Owing to the impudent but ingenious character of the defence set up, a verdict was given for the defendant. Guisquèt met the charge by asserting that there was more than one Mazzini in the world, and that Mazzini the prosecutor, being a man, as all admitted, of the highest moral integrity, he could not possibly be the Mazzini referred to in the paragraph from the *Moniteur.*"

Thus then they had found what had become of the paragraph quoted from the right hon. Gentleman's favourite, the *Moniteur*. Now he wanted to know where was there a portion of defence to be found for opening Mazzini's letters, if that was the only reason for doing so? If that was the paragraph relied upon, what is the answer given to Mazzini when he prosecutes the libel? That he could not be the man meant; that there was more than one Mazzini in the world; that he could not possibly be the Mazzini referred to, as all admitted that he was of the highest moral integrity. What was now the defence set up? It was quite a new defence from what they had heard the other day. It was one they had never heard from Lord Aberdeen—one he had never put forward until the right hon. Baronet was made his Lordship's mouthpiece. Until the right hon. Baronet was made the organ of Lord Aberdeen, they had a defence which they had never heard from Lord Aberdeen himself. It was now said, that no letter from Corfu had ever been received from Corfu, and had been opened at the Foreign Office. This, he said, was not correct. He went farther than that—he said, that this showed the necessity for further inquiry into this matter. Give him, he said, the opportunity, and he would prove that the Government did open letters from Corfu. Will you shrink from this? Letters were received from Corfu, which you opened. Extracts from these letters were in his possession. They bore the post-mark of Corfu; but they came from Corfu, and you opened them. He knew not whether the man who forged the seals, and who did the dirty work for you, gave you the dates and addresses or not. He then said these letters were dated, not from Corfu, but Autun. But what was the defence made before? That the Government here never knew that the Bandieras were at Corfu until after they had sailed from Corfu—that having been there only seven days, and then sailing for Calabria, it was quite impossible that this Government could have had anything to do with the incidents that led to their death. Hence the right hon. Gentleman said that those concerned in the plot intended to make a descent upon the Papal States and Calabria. The Bandieras were, one of them, at Corfu on the 28th of March, and the other arrived there on the 28th of April, and from that period until they sailed on the 12th of June, they never moved from Corfu or its vicinity. Another reason given why this Government had nothing to do with the trap that was laid for these unfortunate persons was, that they could not possibly have known where those parties were going to. Information had been given to Lord Seaton, of a boat having sailed with arms and ammunition — that there were twenty-two men armed. This account, it was said, was believed to be exaggerated. Lord Seaton was asked by the Consuls of other Powers to send after these men, and a representation was made to him of the mischief that was likely to occur. What did Lord Seaton do? He sent a sailing vessel twenty-four hours after they had departed. Had Lord Seaton sent a steam boat after them—the *Medea* — then these unfortunate men would not have been murdered, as they had been, by treachery, through the instrumentality of the British Government —all their lives would have been saved, and that stain which now rested upon the honour of this country would have been unknown. But then they were told that it was not by troops that these men were defeated. The story told was, that the whole of the peasantry of the country had risen in indignation against these detested invaders of their peaceful villages. Was that so? On the contrary, regular troops were employed against them. A portion of the 11th Chasseurs did meet and engage these persons; and as a proof that it was not the peasantry that opposed them, and that it was not by the peasantry that they were put down, they found the King of Naples, in the official *Gazette*, publicly thanking 120 persons, chiefly connected with the army, and principally military men in active service, as well as conferring orders upon some of them, and, amongst others, upon the Neapolitan Consul at Corfu, for the part that he had taken in this most horrible and lamentable transaction. But then, if the right hon. Baronet did not take the part he had done in this transaction, it was said that Austria would march 70,000 men into the Papal States. He thought they ought to feel very much indebted to the right hon. Gentleman for bringing forward this question. They were completely losing sight of what was done abroad; and no matter what disgraceful acts were there committed, they were unattended to or overlooked by them, whilst they were occupied by personal quarrels, or solely engaged in some miserable squabble about the Tariff. While thus engaged they did not know what was doing on the Continent. Here Government acted on the information, that if the Papal States became disturbed, Austria would march 70,000 men; and so immediately the British Government set about opening the letters of foreigners and exiles to prevent it. Now he wanted to know upon what principle they interfered with the internal commotions of Foreign countries? He certainly knew that that was a principle of the Holy Alliance. They claimed the right of interfering with the internal concerns of other countries; but England refused to accede to any such principle. It had been resisted by Mr. Canning in more instances than one. It had been resisted by him in the case of Spain, when France tried to dictate to Spain as to its civil institutions. Mr. Canning would be no party to that interference—he protested against it. He went further, and in his place in Parliament he expressed a hope that Spain might come triumphant out of the struggle. It was not so now. England was told that Austria would march 70,000 men, and immediately the English Government began to interfere and to give information to Foreign countries. He said that this was a subject which was well worthy the attention of that House. Where was the chance of liberation to the Italian people if they proceeded in this manner? He said that every one of these Petty States of Italy was a petty tyranny, and that the whole of them ought to be swept away. The Governments were secure in their misdeeds. If an appeal were made to Austria—no matter how the people were tyrannised over, nor how grossly they were misgoverned—then Austria would reply, the Papal States and all the other Italian States are independent, and we cannot interfere; but if the subjects rose up against their tyrants, then Austria would declare her determination to interfere with 70,000 men, and England too would interfere. Why, he said, was England to become the police of every despot in Europe? Such had been their conduct in the whole of these matters; and the further they examined into them, the more disgraceful must the transactions appear in the eyes of Europe. He thanked the right hon. Gentleman for bringing this forward, and he could only say, that as far as his vote as an individual Member of that House could aid in wiping out a stain from the country that was the consequence of the transactions in which the Government had engaged itself—so far as that could be done by his vote for the Motion of the right hon. Gentleman, he should most cordially support it.

Mr. *Warburton* observed that no attack had ever been made on the character of Mr. Mazzini before the Committee.

The House divided:—Ayes 38; Noes 52: Majority 14.

List of the AYES.

Aldam, W.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Bernal, R.
Bouverie, hon. E. P.
Busfeild, W.
Butler, hon. Col.
Butler, P. S.
Chapman, B.
Christie, W. D.
Colebrooke, Sir T. E.
Collins, W.
Dalmeny, Lord
Disraeli, B.
Duncan, Visct.
Forster, M.
French, F.
Granger, T. C.
Grey, rt. hon. Sir G.
Hawes, B.
Heathcote, J.
Howick, Visct.
Morison, Gen.
Osborne, R.
Palmerston, Visct.
Plumridge, Capt.
Rawdon, Col.
Russell, Lord J.
Somerville, Sir W. M.
Strutt, E.
Stuart, W. V.
Tancred, H. W.
Thornely, T.
Walker, R.
Warburton, H.
Ward, H. G.

TELLERS.

Sheil, rt. hon. R. L.
Duncombe, T.

List of the NOES.

Ackers, J.
Acland, T. D.
Arbuthnott, hon. H.
Baillie, Col.
Baird, W.
Baring, rt. hn. W. B.
Benbow, J.
Borthwick, P.
Browne, hon. W.
Cardwell, E.
Clive, hon. R. H.
Compton, H. C.
Coote, Sir C. H.
Darby, G.
Escott, B.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gordon, hon. Capt
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Greenall, P.
Hamilton, G. A.
Hamilton, Lord C.
Hampden, R.
Harcourt, G. G.
Hodgson, F.
Hope, hon. C.
Knight, F. W.
Mackenzie, T.
Masterman, J.
McGeachy, F. A.
Mundy, E. M.
Newdegate, C. N.
Nicholl, rt. hon. J.
O'Brien, A. S.
Packe, C. W.
Peel, rt. hon. Sir R.
Pringle, A.
Round, J.
Sandon, Visct.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Somes, J.

Spooner, R.
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Thompson, Ald.
Trench, Sir F. W.
Turner, E.
Wood, Col. T.

TELLERS.
Baring, H.
Young, J.

Excise Acts — Spirits — Glass.] Upon the Motion that the Speaker leave the Chair, to go into Committee on the Excise Acts,

Mr. *F. T. Baring* wished to call the attention of the right hon. the Chancellor of the Exchequer to the case made on the part of the retailers of foreign spirits and liqueurs. They had no power now to sell under the amount of two gallons. In the Report of the Excise Committee, it was recommended that the amount should be reduced, and in consequence of that recommendation he had introduced a Bill some years ago, which would allow the sale of one bottle of foreign spirits and liqueurs. That Bill had passed the House of Commons, but was lost in the House of Lords, for what reason he did not then recollect. He was afraid the Chancellor of the Exchequer thought this a small matter, but he could assure him it was no small matter when a considerable number of persons were in the habit of breaking the law. The habits of society were such, that consumers did not purchase to the amount of two gallons of these articles. It would be much more preferable that parties should be able to carry on their business in a legal manner, and not be subject to the attacks of informers; for at present they must either disoblige their customers or violate the law. He wished to know if any change was likely to be made in the present state of the law.

The *Chancellor of the Exchequer* said, it was not in his power to give a satisfactory answer to the right hon. Gentleman. He could assure him he had been assailed very strongly on both sides. One party was anxious to have the privilege of selling foreign spirits without a publican's license; and the other side, those who had taken out a publican's license, for which they paid very highly, objected to the privilege being granted to those not liable to the same expense as themselves. He had endeavoured to reconcile these conflicting interests, but without success. His wish was to make a satisfactory arrangement: but that wish had not yet been realized.

The House in Committee.

On the Question that the Chairman be directed to move the House that leave be given to bring in a Bill to repeal the Duty on Glass,

Mr. *Hawes* called the attention of the Government to the following Notice which had been given by the hon. Member for London (Mr. Pattison):—

> "That drawbacks be allowed on the stocks of the London bottle merchants, the same being certified to be new bottles only, and also on all new bottles in transit from the manufactories, the same being shipped previous to the 5th day of April, and being provided with certificates from the manufacturers of their having paid duty; such drawbacks to be made on the same principle as to the other manufacturers and dealers in glass."

This was intended to have been brought under their consideration by his hon. Friend, who though he limited his Resolution to the city of London, had no objection that it should be extended throughout the country. It was not an appeal to the generosity of the Chancellor of the Exchequer; but it was proposed as a benefit to the Exchequer, and one that it would be for its interest to accede to. The bottle makers had a right to a drawback on bottles exported. Exporting them with that object might be injurious to traders here, and produce a glut abroad. What was desired was, to enter into a compromise.

The *Chancellor of the Exchequer* observed, that no one could better argue a question like this, than the hon. Gentleman; but he could not accede to the proposition. He could not tell what was the amount of duty to be remitted, but he could ascertain the amount of drawback on articles exported. Besides, it would be impossible to distinguish between old bottles and new. In his opinion, it would not be consistent with principle, nor for the advantage of the Revenue, to accede to the proposition.

Mr. *Spooner* considered that some time should be allowed before the new scale of protective duties came into operation. He proposed on a future occasion to move that those duties have effect from and after the the 10th of April, 1846.

Sir *Robert Peel* did not know whether or not it would be competent for the hon. Member to make such a Motion, after the passing of the Resolution now before the Committee; but he trusted the House would support the Government in relieving the glass trade from the restrictions to which it was now subject by an excise duty, amounting, in some cases, to 100 per cent.; and that they would insist at the same time, that the consumer should have the full advantage of the reduction of the duty at the earliest moment.

Lord *John Russell* quite agreed with the right hon. Gentleman, that the present scale of duties should not continue in force for a longer period than the Government proposed; but with regard to the question of drawback, he thought it should be the policy to make the loss as easy to those who had paid the duty as possible. When, for the public advantage, useless offices were abolished, it was usual to make the charge as little burdensome as possible to the individuals; and he thought, with regard to persons engaged in trade, when changes were made for the general benefit in excise duties, which those persons could not foresee or expect, he thought the same principle should be adopted. It was hard when a benefit was conferred upon the public, that a loss of 1,200*l.* or 1,500*l.* should be entailed on a sudden upon individuals without any allowance being made to them. If the Chancellor of the Exchequer found the course suggested impracticable, it would be another thing.

The *Chancellor of the Exchequer* denied that there was any analogy between the case of a person whose office was abolished, and that of a bottle merchant who had paid duty.

Resolution agreed to. House resumed.

Resolution reported. Bill ordered to be brought in.

House adjourned at a quarter past nine o'clock.

HOUSE OF COMMONS,

Wednesday, April 2, 1845.

MINUTES.] BILLS. *Public.*—1^{a}· Poor Law Amendment (Scotland).

2^{o}· Smoke Prohibition; Calico Print Works; Museums of Art.

Reported.—Public Museums, &c.

Private.—3^{o} and passed:—Pudsey Gas.

PETITIONS PRESENTED By Lord G. Hamilton, and Col. Verner, from several places, for Encouragement of Schools in connexion with the Church Education Society (Ireland).—By Lord Ashley, Mr. Greenall, Visct. Sandon, and Mr. S. Wortley, from several places, for better Observance of the Lord's Day.—By Mr. Aldam, Lord Ashley, Mr. Astell, Mr. F. Baring, Lord George Bentinck, Mr. Bernal, Mr. Buck, Sir. W. Codrington, Mr. Compton, Mr. M. Gibson, Mr. Gisborne, Mr. O. Gore, Sir R. H. Inglis, Mr. Stafford, Lord Rendlesham, Mr. Round, Lord John Russell, Col. Sibthorp, Mr. S. Wortley, and Col. Verner, from an immense number of places, against the Grant to Maynooth College.—By Mr. Beckett, from Berbice, and the Norfolk and Norwich, Anti-Slavery Society, against the Importation of Hill Coolies into the Colonies.—By Mr. R. Scott, from Walsall, for Repeal of Duty on Copper Ore.—By Mr. Stafford O'Brien, from Ashley, and Capt. Pechell, from Brighton and Lewes, for Repeal of the Malt Duty.—By Mr. Ward, from Sheffield, for a Tax on Steam Sawing.—By Capt. Gordon, from the Ythanside Farmers' Club, against Alteration of the present Banking System (Scotland).—By Messrs. Cardwell, Cobden, M. Gibson, and Hawes, from several places, against, and by Lord Ashley, from several places, in favour, of the Calico Print Works Bill.—By Lord Ashley, Lord G. Somerset, and Mr. Hawes, from several places, in favour of the County Courts Bill.—By Mr. E. Tennent, from the Belfast Anti-Slavery Society, for the Abolition of Queen's Plates at Horse Races.—By Mr. T. Duncombe, from Prisoners in Lancaster Gaol, for Abolition of Imprisonment for Debt.—By Viscount Sandon, from Liverpool, for Alteration of Insolvent Debtors Act.—By Mr. A. Chapman, from Whitby, against Medical Practice Bill.—By Sir T. Wilde, and Messrs. Ainsworth, Brotherton, Currie, Ewart, M. Gibson, Macaulay, Marton, Ward, and Wortley, from a great number of places, in favour of the Museums of Art Bill.—By Captain Pechell, from Paymasters and Pursers of the Royal Navy, Complaining of Exclusion from Full Benefits of Half Pay.—By Lord Ashley, from Kingston-upon-Hull, for Alteration of Physic and Surgery Bill.—By Sir J. Easthope, from John Lakin, and Anne Ward, complaining of Imprisonment for Non-payment of Costs (Poor Rates).—By Mr. Baldwin, from Guardians of Parsonstown Union, for Relief from Payment of Loan.—By Mr. Hume, from Magistrates and Town Council of Arbroath, for Alteration of Prisons (Scotland) Act.—By Lord Ashley, Mr. Chapman, and Mr. Walker, from several places, for Diminishing the Number of Public Houses.—By Lord John Russell, from Saffron Waldon, for Abolition of Punishment of Death.—By Sir W. Codrington, from the Stroudwater Canal Navigation Company, for Regulating Railway Charges.—By Lord Ashley, from several places, for Alteration of Law (Sale of Beer).—By Captain Gordon, Mr. Lockhart, the Lord Advocate, Mr. H Baillie, and Mr. C. Bruce, from several places, for Ameliorating the Condition of Schoolmasters (Scotland).

SMOKE PROHIBITION.] Mr. *Mackinnon* moved the Second Reading of the Smoke Prohibition Bill. The hon. Member stated that he made the Motion with a view to having the Bill referred to a Committee up stairs.

Mr. *Hawes* wished, before the Bill was read a second time, to have some clear understanding as to the intentions of Government. He opposed the Bill simply because he believed it would be impossible to carry it out. On a former occasion, the noble Earl at the head of the Woods and Forests stated that the Bill had received full consideration from Government; and that the Government did not think it expedient that it should be proceeded with at present. He thought that the hon. Member for Leamington ought to suspend the progress of the Bill until the Sanatory Bill of the Government came before the House. He believed that the smoke of private houses caused as much annoyance as factory chimneys, which were especially aimed at by the Bill. With these views, he moved that the Bill be read a second time that day six months.

Mr. *Borthwick* expressed his surprise at the opposition of the hon. Member for Lambeth, seeing that no person would be more benefited by the suppression of the smoke nuisance than the hon. Member's constituents. He thought that his hon. Friend the Member for Leamington had established a claim on the gratitude of the inhabitants of large towns by introducing the measure.

Mr. *Ward* had but one or two observations to make in reference to this measure. The hon. Member assumed that there existed a smoke nuisance which could be put down; and the provisions of the Bill had particular reference to the occupiers of chimneys and furnaces. Who were occupiers of chimneys? He and other hon. Members denied the practicability of complying with the requisitions of this Bill.

The Earl of *Lincoln* retained the opinion he had expressed on a former occasion —namely, that it would have been more convenient to postpone the Bill until the Bill of the Government, introducing sanatory regulations into large towns, had been laid on the Table. Under that Bill, it would be necessary to constitute local administrative bodies; and, therefore, it would be premature now to appoint local inspectors for the single nuisance of smoke throughout the kingdom. However, as his hon. Friend objected to the delay, and as his object was merely to lay the Bill before a Select Committee to consider the different clauses of the Bill, he should consider it his duty to support the second reading. There would not be much inconvenience in that course, as the Committee might so modify the clauses of the Bill as to render them compatible with the sanatory measure of the Government. The hon. Member for Lambeth should recollect, that neither refineries nor breweries were affected by the Bill; the operation of which was confined wholly to steam-boilers, a restriction which he regretted. He was sure, when the hon. Gentleman reflected upon the large amount of property destroyed by smoke, he would not be inclined to throw any impediment in the way of legislation upon this subject. As one instance, he might mention that a short time ago a nursery-gardener in the neighbourhood of this metropolis was in the habit of raising expensive and valuable plants; but, from the erection of two extensive chimneys in his neighbourhood, he was compelled to abandon a lucrative occupation. Now, by the introduction of some patent apparatus into the two chimneys, he believed the gardener was afterwards enabled to resume his business with his former success. He did not wish to trespass longer on the attention of the House; but would conclude by saying that if the hon. Member pressed his Motion to a division he would vote for it; but he would earnestly recommend the hon. Gentleman to postpone the second reading until the Sanatory Bill had been introduced.

Mr. *Labouchere* thought the best mode would be to withhold the consideration of this matter for the present; as the Government had announced their intention of bringing forward a measure which would embrace it. It would be a mere waste of time, under such circumstances, to refer the matter to a Select Committee. He would vote against the second reading of the Bill.

Mr. *Spooner* hoped his hon. Friend the Member for Leamington would postpone the second reading of this Bill. Suppose the most complete apparatus were to be employed for effecting the object which the hon. Gentleman had in view, there was nothing to compel the workmen to put it into effective use; and without their co-operation, it would be utterly futile to attempt to carry the Bill into effect. Besides, there was a very great doubt whether the consumption of smoke would not compel a very much larger consumption of fuel. The hon. Gentleman opposite (Mr. Hawes) had complained that the Bill was a mere waste of legislation; but he would go further, and say, that if they attempted to carry this Bill into effect, they would excite such an amount of opposition throughout the country as would not only prevent any benefit being derived from it, but would also very greatly militate against any really good measure. Another inconvenience arising from the measure, as it stood, was, that every manufacturing interest was claiming to be exempt from its operation. He believed, indeed, that there was a Notice on the Books for excluding the iron trade; and if the iron trade, why not the glass trade, or any other trade? He trusted, therefore, that the hon. Gentleman would not press this Bill to a division; for he believed that it was quite an impracticable measure.

Lord *F. Egerton* said, that he could not possibly assent to the assertion that the smoke from manufactories was no nuisance, or even a small nuisance; for he knew that in the district which he had the honour to represent it was felt to be a great nuisance; and he conceived that to talk of this period for legislation on the subject being too early, or that discussion was unnecessary in that House, was quite beside the facts of the case. He was favourable to the object of the Bill; but he thought there would be some difficulty in carrying its enactments into effect.

Lord *J. Russell* thought, that after the observations of the noble Lord at the head of the Woods and Forests, it would have been better had this measure been deferred until after the introduction of the Health of Towns Bill. He should, under these circumstances, vote against the second reading of this Bill. At the same time, he gave every credit to the hon. Gentleman for the excellence of his intention, and for the pains he had taken in the details of the measure. He granted that a great nuisance existed; but he did not agree in the particular mode of remedy advocated by the hon. Gentleman.

Mr. *Brotherton* said, that the details of this Bill might be greatly modified and improved. In that case, he hoped that the hon. Member would not press his Motion against the second reading of the Bill. He should remark that there were chimneys belonging to certain manufactories in Manchester (where there was a strong feeling on this subject), from which there was no more smoke than from a private dwelling-house. He believed that the Bill, if properly modified, would meet with warm support in Manchester. There was no doubt that great attention would be paid to the correction of the Bill by the Select Committee.

Sir *R. Peel* proposed that the suggestion of the hon. Member for Salford should be adopted, as no one could be more competent to make a suggestion on the matter than that hon. Gentleman. It was impossible to make any rule with respect to the suppression of a general nuisance which would not create some local inconveniences. The Select Committee would consider whether the provisions of this Bill could be safely adopted. He was very certain that the time of the Committee would not be lost. Understanding that the Bill was not to be pressed until the measure for improving the sanatory condition of large towns was before the House, he thought there could be no objection to the second reading, and referring the Bill to the consideration of a Select Committee.

Mr. *Hawes* was perfectly satisfied with the course proposed by the right hon. Gentleman, and should, therefore, withdraw his Motion; but he should like to know whether the Committee would have power to take evidence upon certain points of the Bill?

Mr. *Ricardo* reminded the hon. Member for Lambeth, that the Government were going to introduce a Bill affecting the same subject; and it would be, therefore, all labour lost to make any inquiry into the nature of this Bill. For his part, he would rather the matter should rest with the Government than be entrusted to the hands of a Committee. There were two parties affected by this Bill. The one was the party who was annoyed by smoke; the other was the party who lived by smoke. Now, he could only say, on the part of his constituents, that they would have to give up business altogether if they were not allowed to smoke. They were now in a state of uncertainty; and there was no doubt that they would remain so, until the intentions and measure of the Government on this subject were before the House.

Mr. *Mackinnon* wished to say a few words in explanation. It would be recollected that a Committee of that House reported that the nuisance of smoke could and ought to be prevented; and added, that if the Government did not take up the matter with a view to legislation, the Chairman of the Committee ought. Was not that recommendation worthy of regard? He had merely followed the recommendation of the Committee. In fact, he had done nothing more than act upon the instructions of the Committee. If the noble Lord did not feel inclined to proceed with his measure, he (Mr. Mackinnon) would proceed with the present Bill; but not otherwise.

Amendment withdrawn.

Bill read a second time; and ordered to be referred to a Select Committee.

Calico Print Works.] On the Motion that the Calico Print Works Bill be read a second time,

Sir *James Graham* said: The House will remember that when the noble Lord moved for leave to introduce this Bill, I ventured to state my opinion on the great importance of the measure, and to express the doubt which I entertained with respect to the policy of debating the provisions which the noble Lord in bringing forward his Motion brought under the consideration of the House. This Bill was, I think, introduced on the 12th of March, and from that time to the period when we are discussing the second reading, I have been engaged in making very extensive inquiries, which, on the part of the Government, I considered it my duty to institute with respect to a measure that embraces so large a field of manufacturing industry scattered throughout different parts of the United Kingdom. I thought it necessary to assemble in London the Factory Inspectors appointed under the provisions of the Factory Act, and who are employed throughout the districts in which the trades affected by the present Bill are carried on. Under my directions the inspectors repaired to their different districts, and having assembled the sub-inspectors engaged under them, they directed them to proceed with a copy of this Bill in their hands, and to make extensive inquiries, and to enter into communication with all the leading parties connected with these branches of industry in their respective districts. In addition to the information thus obtained, I had also the pleasure of receiving several deputations from the master manufacturers, who are most deeply interested in this measure; and I have likewise given the subject that anxious attention which, as I already stated to the House, it was both my duty and my inclination to devote to it. Because, as I observed on that former occasion, as well as now, all my feelings were in accordance with the wishes of the noble Lord, and a sense of duty to the public alone restrains me from giving an unqualified acquiescence to his measure. I am bound to state that the result of the inquiry which I have made, and of all the information which I have received, has operated in inducing myself and my Colleagues to come to the decision at which we have arrived. If by assenting to the second reading of this Bill it should be assumed for a moment that the Government pledged itself to all the details of the enactment proposed by the noble Lord, then it would be my painful duty—but still a duty which I should feel bound to perform—to resist the second reading; but I am at the same time happy to say that though many of the provisions of this Bill must receive my dissent, yet I am not prepared, on the part of the Government, to deny that some regulation is necessary with reference to the employment of children and females in print works; and admitting that necessity, it is our intention to support the second reading of this Bill. But, although it is not, on the whole, necessary, in assenting to the principle of the Bill, that I should go into the details hereafter to be brought under the notice of the House, still, when I recollect the immense interests involved in the measure, I think it is right and proper that I should state what are the provisions of the Bill, as it now stands, to which I object, and what measures I shall be prepared in Committee to suggest, as preferable to those proposed by the noble Lord. In the first place, I would say that a very great extension of the objects of the Bill is created by the terms of construction in the first clause beyond that avowed in the title and preamble. To that extension I have an insuperable objection. The title of the Bill refers only to the regulation of the labour of children in calico print works; but in the interpretation clause the operation of the bill is extended far beyond the print works, and made to apply to all buildings, and, as I understand, even to separate houses in which dyeing, bleaching, and calendering, may be carried on. This is adopted from analogy with the Factory Bill, an analogy which I do not consider quite applicable to these branches of trade, for reasons which I stated at some length on a former occasion. In the factory system labour is dependent altogether on machinery, and it may thus be terminated at any fixed hour; but it is very different in these establishments, for from the nature of the process—from the time occupied in the work, and from the employment of chemical aids; on account also of its being very much unconnected with machinery, and of the effect on the performance of the work which is produced by the state of the atmosphere and many other accidental causes, the determination of a given process, and the quantity of toil and attention necessary for its completion, cannot possibly be prescribed. Moreover, I am bound to state that as far as my inquiries have gone—and I am sure they have been made honestly and with diligence—they lead to the conclusion, that although in printing works children are extensively employed, yet in dyeing, bleaching, and calendering establishments, apart from the printing works, comparatively very few children are engaged. My first objection to the Bill of the noble Lord therefore is, to the extension of its provisions beyond the print works, to houses in which dyeing, bleaching, and calendering are carried on. The next observation that I would wish to make on the noble Lord's Bill is, that I am satisfied the provision involved in Clause 3, which follows the example set by the Factory Bill, is impracticable in limiting the hours of labour by children, not only in calico print works, but in bleaching, dyeing, and calendering works, either to twelve hours on alternate days, or to eight hours on every successive day. That provision appears to me altogether inapplicable to the case with which we have to deal. There are great peculiarities connected with this trade. Under the most favourable circumstances the demand in this branch of industry is occasionally great; but still the labour of the parties concerned in it is never continuous throughout the year. The demand for labour in them is uncertain. It comes at periods which are well known, as certainly recurring every year at particular seasons, but which demands do not last throughout the whole year. I believe the term in the trade is, that there are "pushes" and "slacks" at different periods of the year. The "pushes" occur every spring and autumn, and they may also return for a third period; and after these the demand relaxes, even under the most favourable circumstances, and the trade then becomes comparatively slack. During the time of the demand everything depends on the work being executed with the least possible delay. The profits and success of the manufacturers, and everything that makes trade advantageous, depends on the absence of all check or delay in the progress of the work while the intensity of the demand exists. It is therefore a material injury, not only to the employers, but to the adult workmen, and even to the children themselves, that any attempt should be made to check their labour while the intensity of the demand is great. I am, therefore, satisfied that the provision of the noble Lord's Bill on the subject of the labour of children in these establishments, founded on the analogy of the Factory Bill, does not hold good; but that peculiar provisions with respect to this trade are indispensably necessary. I am, therefore, not prepared to assent to the proposition of the noble Lord, that children under thirteen years of age should not at any time work more than eight hours a day, or twelve hours on alternate days, in these establishments. I will now, with the permission of the House, state what are the provisions to which I am ready to assent, provided the House consents to have the Bill read a second time, and to go into Committee upon it. I do think, on the whole—the Bill being restricted to calico print works alone—that the prohibition of the employment of children under eight years of age in them is not a disadvantageous enactment to any branch of trade. That, I will say, would be a wise and humane provision, and in accordance with the principle of the Factory Act. There is also another provision, which is more doubtful, but which I think, nevertheless, proceeds on a principle recognised by the House, to which I am also ready to assent. I mean the prohibition of night-work with reference to children, and also on the principle which this House has more than once affirmed with reference to females employed in factories. Having with some hesitation assented to that principle, and the House having thought it right to interfere with the labour of female adults, and having appointed limits to the duration of that labour, both in the Factory Bill and in the Bill of the noble Lord respecting working in coal mines, I think that on the whole, after the most anxious inquiry that I have been able to give the subject, that it is advisable to adopt the double limitation proposed by the noble Lord: first, that no children under eight years of age should be employed; and also that no children between the ages of eight and thirteen, and that no females, should be employed at night work. These are two provisions to which I could readily assent. It then becomes necessary that we should agree to a definition of the term "night work;" I think that to avoid the perplexity that would be created by the double limitation proposed by the noble Lord with respect to summer and winter, it would be better for the sake of simplicity to have a single definition of the word "night," and the course which I would recommend would be to define night to mean generally the period between nine o'clock in the evening and five o'clock in the morning. The advantage of that definition would be, that during a considerable portion of the year, including the whole of the summer months, the parties could continue at their work without any artificial lights, either in the mornings or evenings. Though there would be thus a period from five o'clock in the morning to nine in the evening during which children might be employed: still I can state positively, as a general rule, that no children are obliged to work throughout the whole period of sixteen hours. But from the nature of the work in this trade, and from the peculiarity of the employment generally, it is necessary that we should leave a sufficient period for occasional extraordinary demand; and I would, therefore, propose, that it should be competent for children from eight to thirteen years of age to work in calico print works at any times between five o'clock in the morning and nine o'clock at night. I also feel in the strongest manner, in common with the noble Lord and with the general sentiment of the House, that some provision of an effective nature should be adopted for the education of those children, and that no arrangement would be satisfactory—if the Legislature interfere at all in the matter—without including some time for relaxation. I have already stated that the period of intense demand, as compared with the whole year, is in proportion of eight months out of twelve. In deciding on the question of the time to be allowed for the education of children employed in these works, I would prefer looking to the analogy between their condition and that of the children of agricultural labourers, rather than to that of factory labour regulated by machinery. In the north of England and in Scotland, where it is well known the children of the agricultural labourers are, practically speaking, well educated, there are certain periods of the year when, in consequence of the greater demand for labour, there is a suspension of education. At seed time and during the hay time and in harvest all the parish schools in Scotland and in the North of England are generally closed; and it is only at the periods between the hay and corn harvests and between that and seed time that the education of the children is mainly conducted. Now I wish in the matter before the House, to be guided by practical experience, derived from other sources of industry; and I think we should rather look to the analogy afforded by the case of the agricultural population than to any analogy arising from factory labour regulated by machinery. Where circumstances vary, your rule should also vary. Having assumed that during eight months out of twelve the work should continue day by day in these establishments, while the work is comparatively light during the other four months, I would propose that the days for education should be regulated accordingly. We could secure a provision under this enactment, that during one hundred days throughout the year, being about one third of the whole working year, all children employed in these works from eight to thirteen years of age should attend a school daily, as in the case of factory children, say for three or four hours a day; and I would also recommend, in order that there should be no evasion of the intentions of the Legislature, that this period should be divided into fifty days in each half-year. This will not interfere with the other clauses of the Bill. It will be founded on the circumstances of the trade, and will tend to make the Bill, as I hope it will become, a successful measure. Now, I think I remember the noble Lord the Member for London referring on a former occasion—and he did so with perfect accuracy—to the system pursued in the great cotton factories in America, where a similar system of education prevails; and, if I mistake not, a provision of this kind is adopted in Austria. I beg to express my sincere hope that the House will not object to an experiment of this nature being tried to this limited extent. I know not whether I should state to the noble Lord a matter that has occurred to me with respect to this Bill. It is, that if the House be of opinion that any such regulation as I have sketched should be adopted, it would be very advantageous that it should be made a perfectly substantive measure. As the Bill at present stands, it has reference to the Factory Bill; but many of its provisions have no relation whatever to that measure; and I am strongly of opinion, if the House should adopt the suggestions I have thrown out, that it would be very advantageous to make this a perfect Bill, and to have the whole of the regulations with reference to calico print works distinctly and explicitly set forth, without reference to any other enactment. I cannot expect but that the noble Lord, having devoted so much attention to this subject, and having produced this Bill in all its details, will think that the measure might be carried much further than I am prepared to go; yet, on the whole, if he will consent to limit this great experiment within the boundaries that I suggest, I can assure the noble Lord that I shall be anxious, before the Bill goes into Committee, to meet him on the subject, and to endeavour to aid him in shaping the Bill in such a manner as to give full effect to all the details that I have suggested. After the Bill is read *pro formâ*, I would suggest that it should be printed and circulated throughout the country in its amended form, in order that the Committee may have the advantage of knowing the general views entertained by the trade on its details. I trust we shall proceed in this manner cautiously, gradually, and at the same time safely, to consider the great benefits that may be conferred on those classes for whom the noble Lord is endeavouring in so praiseworthy and laudable a manner to extend the protection of the Legislature. In conclusion, I beg to state that I most cheerfully give my consent to the second reading of the Bill.

Lord *Ashley:* Sir, my right hon. Friend who has just sat down was kind enough to inform me yesterday of the intentions of Her Majesty's Government as respects this Bill. It is, therefore, to his courtesy and kindness I am indebted, that I am not now taken unawares. I took, Sir, into very anxious consideration the propositions which have been thus stated to me by my right hon. Friend, and I think the result of it is this. I find that my Bill is in this position. Supposing that the Amendments of the right hon. Baronet should be adopted, on one side I lose this—I lose the extension of the provisions of the Bill to those departments connected with the bleaching, dyeing, and calendering of this manufacture, which is not immediately connected with calico printing. I will merely just say, that the right hon. Baronet had omitted to state the condition of the bleaching works in Scotland, which was the great thing I directed my attention to when I introduced the provisions into the Bill which had reference to this branch of the trade. I next find that I shall lose the protection which I proposed to children under thirteen years of age, as I am anxious to limit their labour to a period of eight hours in the day, although a certain protection will be given to them as regards the night work. These children, however, will be left to the possibility of being obliged to labour for sixteen hours every day in the week. These are the points of the Bill which I shall lose. On the other hand, I shall retain the prohibition of the work of children under eight years of age; I shall retain the prohibition of night work of children of both sexes under thirteen, and all females under any age; and I shall also be certain of obtaining an enactment for the education of children under thirteen. That is the state of the case, and I must now make my choice of either alternative. On one side I see myself almost alone; on the other side is the Government, supported, I believe by the great mass of the master printers of the United Kingdom. I do think that the struggle on my part, therefore, would be nearly hopeless; at all events, I would be delaying, if I persisted, the passing of any measure which would tend to alleviate these unprotected classes. On the other hand, I don't think that by agreeing to the suggestions of my right hon. Friend I should delay the eventual success of the principles I advocate, and I do gain two or three collateral points. I shall gain—first, the time and attention of the whole House by not resorting to fruitless divisions. I shall gain the opportunity of fairly and fully having this experiment tried, and of showing that legislation on these subjects was not only applicable, but safe. I shall, thirdly, obtain, I believe, what I have ardently desired—not only the co-operation, but I shall also gain the approval of about nine-tenths of the great proprietors and capitalists engaged in these manufactures. For such insuperable advantages, I am, Sir, prepared to make even larger concessions; for although I might succeed in passing a law that may be found stringent, yet if the great masters were hostile to it, half of the law would become ineffectual, and the other half might be made exceedingly vexatious to all parties. Now, I am prepared to say, that although I reserve to myself my own opinions, and my right on some other occasions, whenever I think a fitting opportunity arises, to try and carry out those principles which I advocate, yet I have no hesitation in saying that I do accept, with thankfulness, the offer which the right hon. Baronet has now made to me. And I am delighted to have the opportunity of saying in this House that I believe I carry with me the co-operation of many Gentlemen whom I see on the opposite side, and who were opposed to me in my endeavours to carry out my principles on a former occasion. I shall have the support, I believe, of Mr. Neile, of Manchester; Mr. Thompson, of Clitheroe;

Mr. Bryce, and I know I shall have the support of Mr. Hargrave, of Accrington. I am quite certain of this—that I shall have co-operating with me at this moment a great number of Gentlemen who two years ago, would never have co-operated with me. I therefore entertain a very sanguine hope that in the course of two or three years more I shall succeed in bringing them further over to co-operate with me in the views which I now entertain upon this subject. I say, Sir, at once, that I accept of the offer which has now been made to me, and I do it with the utmost satisfaction and delight; because I hail it as the commencement of a grand co-operation on the part of all employers in one great and grand effort for the improvement and protection of that which is the noblest material of the British and of all empires and nations—viz., the working classes.

Mr. *M. Gibson* said, that in point of fact, many of the arrangements which the noble Lord and others were so desirous of effecting by legislation were already in existance in many factories, and he thought it was doubtful whether it were wise to effect such improvements by Acts of Parliament, when they found them accomplished by the voluntary efforts of employers of labour in factories. With respect to the proposal that the children should be required to attend schools at the time of a slack, he would remark that those times were the periods when the children would not be likely to be on the premises, whilst during full employment they were on the premises; and it would be therefore difficult to make the employer responsible for the attendance of the children at such a period, when he would not have the same opportunity of insuring their attendance. If the noble Lord were so desirous of improving the condition of the population of manufacturing districts, he ought to look to the improvement of the population in agricultural districts; for it was the agricultural population from which the population of manufacturing districts was drawn, and which supplied those who sent children to be employed in the calico works. The manufacturing districts now drew their labour from that poisoned source, and thus ignorant parents were brought together. If they wanted to improve and enlighten the children, they ought to begin by improving and educating those labourers who were destined to become the parents of the rising generation in the manufacturing districts. Unless they directed their attention to the moral training of the whole population they could not succeed in their object of improving the moral condition of persons in the manufacturing districts. They might compel children in the manufacturing districts to attend school, and limit their hours of labour for that purpose; but so long as they confined their exertions to one class, and did not extend it to the whole population, they would find their exertions ineffectual. He thought that with respect to this Bill, the word "work" was not sufficiently defined; for a man might be in a print work for many hours, but it did not follow that during all that time he was employed in a manner injurious to his health. From the time an individual rose in the morning until he went to bed at night he was employed constantly in some manner or another—he moved his limbs and employed his mind; but no one could say that he was consequently working during eighteen hours, if that was the period which elapsed between his rising in the morning and lying down at night. The question for them to consider, then, was whether the amount of work required from each individual in calico print works or factories, was such as required its duration to be lessened, in order to preserve the health of such individual. If they were so desirous to improve the condition of those employed in calico works, they ought to ascertain that any limitation of the hours of labour which they caused, would have the effect of bettering the existence of such persons. Until somebody was prepared to show that by limiting the hours of labour in a particular employment, he could benefit the whole existence of persons so engaged, it was useless to make a proposition for so limiting the hours of labour. It was evident that those who derived an income from the employment of their children were the poorest of the population; and if the noble Lord had such a desire to improve their condition, and confer benefit upon them, why did he not endeavour to place them in a better position by reducing the price of the great necessaries of life, and thus enable the poorer classes to live at a cheaper rate than at present? He could inform the noble Lord the Member for Dorsetshire, that within the last four years, since the price of corn and provisions had fallen, the wages of the working people in the manufacturing districts had increased, and their condition had become generally improved. Such had been the effect of a reduction of the prices of the necessaries of life, that not only had the wages of persons in the manufacturing districts been increased within the last four years, but greater numbers had been employed by the manufacturers. That circumstance was sufficient to show the effect of low prices on the condition of the working classes; and those who wished to relieve them from the necessity of lengthened toil ought to do so by reducing the price of the food of the working population. They could not expect to get credit for philanthropy in their efforts to shorten the hours of labour, until they also made an exertion to give the necessaries of life at a cheap price to the poor. It was not by making a law to affect a particular employment only, that they could improve the moral condition of the persons employed in the manufacturing districts. Why did they not look to the moral training of the agricultural population? Why did they not enact that employers of children's labour in the agricultural districts should require a school certificate with a child before they employed him in the agricultural districts? Why did they not take that course of encouraging education amongst a population which was at present in a state of the grossest ignorance and moral degradation? Why should they continue to pour into the manufacturing districts of the north an uncultivated and ignorant population, devoid of all moral training, when they ought to know that, with reference to the improvement of the moral condition of the children in those districts, it was most necessary of all that the population which supplied the adult working people should be educated and receive proper moral training? They were undoing by their neglect of education in the agricultural districts all they had done by their legislation with respect to the manufacturing districts. He hoped the noble Lord (Lord Ashley) would not neglect this important portion of the subject; that he would look to the moral training of the population of Dorsetshire, and call for a provision which would require every farmer to demand a certificate, before he employed any child in agricultural labour, that the child seeking for employment had been at school for two days in each week constantly. Mr. Horner, who was a very great authority on these subjects, was in favour of such an arrangement; and he trusted that its importance with respect to the working classes in the manufacturing districts would not be forgotten. He (Mr. Gibson) was not disposed to make any objection to the second reading of the Bill, after the statement which they had just heard from the right hon. Secretary of State for the Home Department; and he should reserve what he had to say with respect to the details of the measure for a future stage. In fact, the principle of this measure might almost be said to be a matter of detail; for it required them to consider how far it would be practicable to carry out certain arrangements consistently with the proper management of manufactories. The noble Lord opposite had urged in that House improvements which he (Mr. Gibson) believed to be impracticable, and which, if attempted to be enforced, would be injurious to the interests of a large body of the manufacturers. He should deal with the new proposals of the right hon. Baronet the Secretary of State for the Home Department when they came in detail before the House.

Mr. *Cowper* said, the hon. Member for Manchester appeared to be so enamoured of the advantages to be derived from requiring school certificates with children, that he proposed to have the system adopted in the agricultural districts; and he agreed with the hon. Member in the great importance of extending education to the population of the country generally —to the agricultural as well as the manufacturing districts. With respect to the necessity of encouraging and diffusing education in the manufacturing districts, they ought to remember it had been stated that such was the constant employment of the children in print works as almost to prevent the possibility of their education, as the teaching of the Sunday schools was insufficient to give them adequate instruction in reading and writing, in addition to which the children were so exhausted in mind and body from their week's employment that they were unable to pay sufficient attention to the instructions at the school on Sunday. If the House of Commons of a former day took care of the moral training of those who formed the parents of those children whose education they now felt it necessary to look to, they would not be required to interfere, as they were at present called on to do, in order to prevent a gradual deterioration of the moral character of the working classes. The hon. Member for Manchester asked for a definition of the term "work," as applied in the Bill. That definition was sufficiently clear in his opinion. It meant being employed on the premises; for it was quite sufficient that the children were kept on the premises, during their working hours, without being allowed time to receive instruction, to constitute the definition. Nothing was more important than to secure for the operative classes a proper amount of leisure, in order that there might be time for improving their moral condition by a sufficient education. The hon. Member for Manchester had asked what the Legislature had done towards improving the whole existence of the labouring classes, and had spoken as if their legislation on the subject of employment had not produced any effect in improving their whole existence. On that subject he was at issue with the hon. Member, for he was assured that the legislation which had already taken place had been of great benefit to the manufacturing population. It had been ascertained that those young persons whose hours of work had been limited by the recent legislation on the subject, had not suffered any loss of pay or comfort by that arrangement, whilst their existence was certainly much bettered by it. It was evident from the admission of the hon. Member for Manchester, that the regulations affecting night work were practicable, as they had already been adopted by some manufacturers; whilst the advantage of a legislative enactment on the subject would be to prevent less scrupulous manufacturers from employing those persons in night work beyond the proper and allotted period. He was glad that the Secretary of State for the Home Department had been able to come forward with such proposals as had received almost the unanimous assent of all who were interested in the subject. It was most desirable to advance gradually as public opinion advanced; and opinion on this subject had not only very much advanced since they had commenced legislating with respect to it, but it was still progressing; and he had no doubt that many of the improvements which his noble Friend (Lord Ashley) now suggested, would at a future period meet with the approbation of those connected with the manufactories to which they had reference. He was strongly impressed with the importance of looking to the education of the working classes both in the agricultural and manufacturing districts.

Mr. *Hume* had one or two observations to make on the speech of the hon. Member who had just sat down, because he thought his hon. Friend had totally misunderstood the observations of the hon. Member for Manchester. He deplored the extended hours of labour and night-work as much as any man; but what both he and his hon. Friend deprecated was the interference with one class of the community. If they were to interfere with children of a certain age, let them begin with the farming children. The hon. Member denied that young children were employed in agriculture. Had he never seen young children, in wet cold weather, engaged in herding cattle? Why, only fourteen days ago, while the snow was on the ground, he had seen children of six or seven years of age tending cattle in the field. He thought that those children deserved to be taken care of by the Legislature, as well as the children in the manufacturing districts. Did the hon. Member believe that there were no children of thirteen years of age—[Mr. *Cowper:* No; eight.] Well, eight years of age; but were there no children of eight years of age employed in agricultural labour? There were plenty of them. He would recommend the hon. Member to go back to the agricultural districts and get better information on this subject. He did not object to education; it was the duty of Government to supply the means of education to the children of all classes in the community, and he complained that the Government had not done so—that they were allowing the present generation to rise up in ignorance. He believed that a Government which neglected the education of a generation had much to answer for; but he would also state that he could not give much credit to those who felt so much for the sufferings of children from over-employment, whilst they kept the food of those children dear. The first duty of the man who felt for the wants and destitution of another was, to place the necessaries of life, the means of existence within his reach—to increase his means of getting food; and that could be done by reducing the price of the food of the working classes. He could not give credit for philanthropy to those who, whilst they deplored the condition of the children, interfered with commerce, which gave employment to the idle, and kept up laws which made food dear. If they took a proper course in this respect they would find that the parents would be the best, as they were the natural, protectors of their own children; for the working people of this country were not such brutes as those appeared to think who supposed they would wilfully neglect the proper care of their children. He should be always found ready to give his support to education; but he hoped to see a comprehensive system brought forward, applicable to the agricultural as well as the manufacturing districts. It was well known that the agricultural districts supplied labour to the manufactories; and they ought to educate the agricultural population, in order to act on the population of the manufacturing districts. He did not think the Government did right in giving countenance to this Bill, which contained, in his opinion, a mischievous principle; and if he saw any prospect of success he should divide the House against it. Who were the natural protectors of children? Why, their parents. [Mr. *Cowper:* If they would do their duty.] The hon. Member said if they would do their duty. Why, natural ties would compel them to do their duty. ["No."] No! then the inhabitants of this country were a race of brutes, worse than the very animals. And it was in this point of view that he regretted the Government had not taken up the question of education generally. If they reared an ignorant race of people, if they made men brutes, they could have no reason to complain if they acted as brutes. He would press upon Her Majesty's Government the necessity of supporting the question of education as far as possible; but let them bring in a comprehensive measure, and proceed in one uniform general principle. He did not believe that Englishmen, Scotchmen, or Irishmen, were such brutes as this piece of legislation would induce them to believe. He was of opinion that where children were sent to the factories, to the neglect of the means of education, it was where the parents were driven by want, and thought it was better to allow their children to earn something, however small, rather than starve.

Mr. *Borthwick* had supported the noble Lord the Member for Dorsetshire, ever since he had brought forward this question; and he had done so for this reason, that the noble Lord was the first to introduce into the legislation of the country the principles of humanity as against the exclusive principles of finance. This was an object worthy the ambition of the greatest statesman; and he believed that not England alone, but Europe at large, would reap the benefit of these measures of the noble Lord. He would not have been absent from these discussions on any account; and to-night he did not know whether to congratulate the noble Lord more on the support he had received, or on the character of the opposition he had met with. The support was an admission of his principles, and an offer to assist in carrying them out as far as possible; and the opposition amounted to neither more nor less than this—why do you not carry your principles into the agricultural as well as the manufacturing districts? In addition to that, one hon. Gentleman advised them to cheapen the food of the people, and then they would effect all the good they wished. Now, he questioned that, even if he were to admit, for the sake of argument, but not of fact, that it would cheapen their food. What was the argument of the hon. Gentleman? That it would cheapen labour. ["No."] No; was it not to enable manufacturers to enter into competition with foreign manufacturers; and how could that be done but by cheapening labour? But he thought the argument might be answered on a broader principle. Were they not to do some good because they did not see it their duty at once to do all the good that others might wish? Suppose that the repeal of the Corn Laws were fraught with all the blessings which its supporters expected, were they not to do some good to-day, because they would not agree to the repeal of the Corn Laws to-morrow? He thought the noble Lord had done wisely in adopting the suggestion of the right hon. Gentleman, who had admitted as much of the measure as was perhaps practicable in the present circumstances of the country; and he had no doubt that the measure would soon be in active operation. He thought the whole system of education might be prodigiously improved without any serious difficulty, for he thought the constitution in Church and State was well calculated to promote the secular as well as the religious improvement of the people.

Mr. *T. Duncombe* wished to say a few words on this subject. He had formerly presented a petition from the workmen in the manufacturing districts, complaining of the grievances under which they laboured. Their petition went even farther than the noble Lord's Bill, for they asked the House to limit the time in which machinery was to be employed. But he was satisfied that this petition was proposed to the House in the belief that the employers generally would not give the noble Lord's measure their zealous co-operation; that they would be adverse to its provisions, and, being adverse, that they would evade it. But now, when he understood from the noble Lord that several of the master manufacturers were favourable to his Resolutions, and particularly to the abolition of night work, that materially altered the question, and he thought the noble Lord had exercised a wise discretion in agreeing to the offer made by the right hon. Baronet the Home Secretary. He trusted the concessions made by the Government would be received by all parties in the spirit in which they were offered.

Mr. *B. Escott* differed from the principle of the Bill; but, as the persons interested in the question gave it no opposition, and the noble Lord and the Government were agreed as to the Bill, he supposed that it would pass. He could not help thinking that the measure had reached its present stage in a somewhat remarkable manner. The noble Lord had adopted the suggestions of the Government, and had taken what he could get. No doubt that was quite proper. He had given his reasons for doing so; one of which was, that if he had not adopted the suggestions of the Government, he would not have been able to pass any measure at all. The right hon. Gentleman had agreed to the second reading of the Bill, after making a speech, in which he said that he only did so in the hope that he would be able to strike out certain objectionable clauses. He had no objection to that course, if the right hon. Gentleman thought he was able to make it a salutary and good measure. He was, however, astonished at the speeches of the hon. Members for Manchester and Montrose, because they had made strong speeches against the principle of the Bill, and yet they said they would not divide the House. He was at a loss to understand how persons representing manufacturing constituencies, and feeling the importance of resisting this principle, which they had been told was an aggressive principle, and which they had seen enough of during the last two years to know that it was a dangerously aggressive principle—he was at a loss to understand how they could fail to record their votes against it. He wished any hon. Gentleman supporting this measure would show the House what the consequence of interfering with labour had been during the last five and twenty years. Could it be shown that the comforts of the labouring classes had increased exactly in proportion as these Bills had passed? Not one of the grievances which they were intended to remedy had ever been remedied; but they had led to the forming of still further measures which proved equally inefficient. The first measure they passed interfered with the labour of apprentices. The effect of that was to render necessary the introduction of another Bill interfering with the labour of those who were not apprentices, because the first Bill had forced them into the places which apprentices formerly occupied. The consequence of this second measure was, to force an undue quantity of workmen into the factories, and the effect of that had been that the House was again obliged to interfere with the labour of women. The principle was still going on, and they were properly and justly taunted by the hon. Member for Manchester that they would not extend it; they dared not extend it to the agricultural districts. [Lord *Ashley*: Why not?] He begged the noble Lord's pardon; he did not mean anything offensive to him; the noble Lord did not so extend it because the thing was utterly impossible, and, therefore, it was wise in him not to do so. That was what he meant. He was astonished that there was no opposition to the measure. He had no interest in the question himself, but he considered it was a petty peddling measure, and if the House were to be divided, he should vote against the Bill.

Mr. *Brotherton* cordially approved of the course taken by the noble Lord. He had been a spinner in Manchester for the last thirty-one years; and for a long time he stood alone in advocating legislative interference with the labour of children. In 1815, the late Sir Robert Peel took up the question: he proposed to limit the work to ten hours and a half a day, but he was then opposed by all parties, although it was given in evidence that children of six and seven years of age were worked in factories for the space of sixteen or seventeen hours a day. He, however, obtained a Bill, limiting the employment of children to twelve hours; and that measure was found to work well. He thought the noble Lord had exercised a wise discretion in accepting the present concession; and he was convinced that if they proceeded with caution, the masters in the country would find that the measure was not opposed to their interests, nor to those of the working classes. He trusted that all measures of this kind would carry public opinion along with them. He thought the noble Lord entitled to great credit for his exertions.

Lord *F. Egerton* was glad to hear those opinions which had been expressed by one who, peculiarly on a subject of this kind, had the strongest claims on the attention of the House, from the experience of a long life, during which he had been connected with the manufacturing industry of the country. He did not know from what quarter of the country the hon. Member for Winchester had obtained his information; but he must say that, as far as his own information extended, he believed that, upon the whole, great and substantial benefit had been derived from the legislation which had taken place with respect to the manufacturing industry of the country. He would not, upon this occasion, enter into the discussion of the various questions of political economy connected with this subject, or into the distinctions of different kinds of labour, so far as they became the subject of legislative interference. With respect to the machinery invented by man, it was found that there was a disposition to attach to labour for too long periods those connected with it; and it was found that legislative interference and regulations were necessary with respect to those engaged in these labours. With respect to agricultural labour, it might be said that that was also connected with machinery—the machinery of the earth. But there was this distinction, that the machinery of the Mighty Architect was one which worked silently and in secret, unlit by their gas and unviewed by their light—it still worked on silently and beneficially in its operations. With respect to the machinery invented by man, it was necessary to interfere occasionally by legislative regulations. He admitted that that principle might be carried too far, and required to be watched with care. He would be far from wishing to apply that principle rashly or intemperately. He had hitherto concurred in and supported the measures of his noble Friend. At the same time, if he thought that his noble Friend was proceeding too hastily, he would be ready to oppose him. He was happy to say, that on the present occasion he fully concurred with him. He congratulated him on the success that had that night attended his labours, and which would not only redound to his credit for the moment, but would conduce to the best interests of those whose interests it was his object to promote.

Mr. *Ainsworth* begged to thank the noble Lord, on behalf of his constituents, for his exertions on this subject. He thought that, in matters of this kind, those whose interests were concerned, namely, the working classes themselves, ought to be able to form an opinion as to what was best for their own interests. He wished that the hon. Member for Winchester had been present, to see the way in which the working classes of Bolton had expressed their thanks to the noble Lord for his exertions in their behalf. He wished that the hon. Member would pay them a visit, and look into their mills, and see the improvements that had taken place in ventilation, in baths, and in various other ways conducive to the comfort of the working classes, and all in consequence of the system of inspection that had been established. Why, the state of things had been altogether changed within the last twenty or thirty years. He knew an establishment in his own neighbourhood, in which a large room was kept for the amusement of the working classes. The benefits derived from the exertions of the noble Lord had been very great.

Lord *Ashley,* in reply, would only detain the House by reading five lines of a letter which he had received. The effect of the letter was, that the improvement that had taken place in the morals and manners of children and young persons engaged in mills and factories was so great, that they did not appear to be the same race of human beings; and that so sensible were those most interested of the importance of the change, that they would suffer any hardship sooner than go back to the old system.

Bill read a second time.

Illegal Committals for Poor Rates.] Sir *John Easthope* said, before the House proceeded to a Committee of Supply, he hoped he should be strictly in order in recalling the attention of the House to the subject of the petitions which he had presented in an early stage of the evening's proceedings. He thought he should obtain the indulgence of the House when he stated that these were cases of very serious hardship upon very helpless and very defenceless persons. He was aware that he required that indulgence, but thought it would be found not to be ill bestowed, as he would occupy as short a time as possible. The first case was that of a man of the name of Thomas Lakin, who was sentenced to imprisonment for the non-payment of *5s. 4d.* assessed upon him for poor rates. A benevolent individual hearing the particulars, paid the amount, and the man was released from prison. He was then summoned by the parochial functionary for the sum of 20*s.* for costs. He was summoned before the magistrates of Leicestershire. He went to the place at which the magistrates met, but was not permitted to go into their presence. The policeman in attendance told him that if he had not got the money he must go to gaol. He was accordingly taken to gaol, and he now lay in the county gaol of Leicester, a prisoner, and with hard labour for a month, in consequence of not being able to pay the costs, 20*s.* He was a poor man, with a wife and four children in extreme indigence. He had no goods whereon the distress of *5s. 4d.* could be levied, and of course he had no goods upon which to levy the larger amount, and, consequently he now lay in gaol at Leicester. The next case was that of Anne Ward, and this was a very aggravated one. This woman was a widow with four children. She was also in great indigence. She was not a householder, but had a lodging, where she lived upon a very bare subsistence. She was summoned for 3*s.* 4*d.* In that case also the money was paid by some benevolent individual, and who the person was, was unknown to the parties at this moment, and she was set at liberty. She went to her house five or six miles off, but was again summoned before the same magistrates, and was now under a second commitment in the gaol of Leicester, with hard labour, for a month. As soon as the petitions were placed in his hand on Monday, he concluded that it was impossible but there must be some exaggeration. He thought it utterly impossible that educated gentlemen, engaged in the administration of justice, should have acted in the manner described; and he wrote to the committing magistrates, stating the circumstances, and requesting them to instruct some person to appear in that House and explain the true state of the facts, in order that the whole matter might be cleared up, and that he might not, in endeavouring to obtain justice for these individuals, commit an injustice to others; but the reply which he had received that morning, he was sorry to say, admitted in substance the facts of the case. There was no denial that the parties were committed, upon the second warrants, to hard labour for the longest periods for which it was possible, under the circumstances, to commit them. It was not denied that the magistrates did not hear that case; but it was stated that the parties were summoned and did not appear. Now, in their petitions they stated that they did appear, but were prevented from going before the magistrates, or into the room where the petty sessions were held, and told that if they had not the money they must go to gaol. They did not appear, because they were prevented by those whose duty it was to have brought them before the bench. But was it not the duty of the magistrates to inquire whether the parties were there, and to institute a rigid inquiry before they made out their commitment for the extreme time, and under the extreme circumstances, for which they could by any possibility inflict the punishment? This was a very painful case; and he assured the House that it was with the utmost pain he felt compelled to ask for an explanation with reference to it. He did not envy the feelings of those who would unnecessarily impugn the conduct of gentlemen acting in the administration of the law; but this subject had created considerable excitement in the neighbourhood, and particularly in the town which he had the honour to represent, and the public waited with great anxiety to learn the determination of the question; for it was not extraordinary that persons living in large manufacturing districts, and feeling the importance of maintaining the supremacy of the law, should feel intense pain at finding the persons entrusted with the administration of the law execute their duties carelessly, severely, unjustly. They felt that the humbler classes were bound to bow to the administration of the law, even when it pressed severely upon them in their distress; and if they were so bound to obey the law, it was felt that it ought not to be inflicted upon them with a severity that it was impossible to bear; good men of all classes must regret that persons should be placed on the bench who acted carelessly in inflicting the penalties of the law. He begged to ask the right hon. Baronet whether the facts of this case had come to his knowledge, and if so, whether he had obtained such information as would justify him in recommending that these persons should be immediately released? He begged to know if any and what return had been made from the magistrates, and whether the right hon. Gentleman was prepared to take any step which would prevent his (Sir J. Easthope's) further troubling the House on this very painful subject.

Sir *James Graham* said, the hon. Baronet had been so obliging as to notify to him, in the course of the morning, his intention of bringing this case before the House, and early in the evening he had presented two petitions on the subject to which it referred. If it were not for this previous information he should not have been prepared to answer the hon. Baronet's question; but what the hon. Gentleman stated was quite correct, that the circumstances of this case had excited in Leicester and the neighbourhood considerable sensation. From other quarters, unknown to him, copies of the petitions had been sent to the Home Office, and on receiving them he felt it his duty, seeing the *primâ facie* case they contained, to call upon the magistrates named for some explanation. He had received, during the course of yesterday, that explanation, and he was bound to say that it was not satisfactory to him. He was of opinion that an indiscretion had been committed, probably without the knowledge of the magistrates, in not allowing persons who had been summoned to appear before the bench to come before it. They were summoned to appear before the justices. They were not allowed to enter the room, but a preliminary question was put to them, whether they had brought the money. They had it not, and were refused permission to enter that room. This he conceived to be a gross violation of justice. Nor did the matter end here. The parties were in arrear for poor rates, and upon the non-payment of that arrear it was competent for the justices to issue a warrant for that non-payment; and if costs were to be charged, it was competent to the justices to issue at the same time a warrant not only for the poor rate in arrear, but also for the costs. As he understood this case, the warrant was issued for the non-payment of the arrear of poor rate. If the magistrates intended to embody in the commitment not only the non-payment of poor rate, but also the non-payment of costs, they should have set forth not only the non-payment of the rates, but also of the costs, in the commitment, and both documents ought to have been issued at the same time, and the parties to have been committed for the arrear and the costs. In this case, however, the warrant was for the poor rate alone in the first instance, the amount due being under 5*s.* in each case. That warrant was discharged, and the matter ought to have ended; but the parties having been liberated with respect to the poor rates, it was illegal in his opinion, and in that of persons more competent to form a judgment upon such points, to issue a second warrant for costs amounting to 20*s.* in each case without their further appearance before the magistrates. He had heard of these circumstances with the greatest possible regret, and would not for a moment attempt to justify them. He was sorry they had not sooner come to his knowledge, for the parties were committed on the 5th of March, and their imprisonment would expire on the 5th of April. He had now obtained a knowledge of the circumstances; he had formed his opinion upon them, and it would be his duty to advise Her Majesty immediately to liberate the parties.

Mr. *T. Duncombe* said, the right hon. Gentleman had stated the circumstances quite accurately, for last week the same parties who sent the petitions to the right hon. Gentleman called upon him (Mr. Duncombe), and it was by his advice that the petitions were so sent. His hon. Friend (Sir J. Easthope) was not in town, and as Parliament was not sitting — it being in the recess—he thought the best thing they could do would be to send the petitions to the right hon. Baronet. He believed every circumstance stated in the petitions to be correct. These poor persons were undergoing hard labour in Leicester gaol. They had been prevented by a policeman from going before the magistrates. The right hon. Baronet said, he would immediately order their release; but, unfortunately, their imprisonment would expire on Friday next, the very day on which they would receive the order for their discharge. He wished to know what redress they were to have? The one was a poor man in very indigent circumstances, the other a widow, who had lost her husband by an accident in a colliery. What redress were they to have? Was there to be no redress for these unfortunate people? He hoped the right hon. Baronet would go one step farther than releasing them. He hoped he would advise Her Majesty to strike these two magistrates out of the Commission of the Peace, and take care that they should not any longer disgrace it by either their ignorance or their intentional perversion of justice, nor any longer abuse their power by acts of gross tyranny, oppression and cruelty.

Mr. *Packe*, as Chairman of the Quarter Sessions, begged leave to say a few words on behalf of the excellent gentlemen against whom this complaint was made, Mr. Cresswell and Mr. Abney. He quite agreed with the opinion that had been expressed, that there had been an error in the act of these gentlemen. He was convinced that it was a mere error, and that no corrupt motive could have possibly influenced, or could be imputed to these respectable persons. He had known these two gentlemen for a considerable length of time, and he had acted at Quarter Sessions with them, and he could bear testimony to their proper conduct. He trusted that what had occurred now would be a useful lesson to gentlemen in the country, that they would now know that the 18th George III. ought not to be separated from the act authorising the payment of rates. He was sorry for the unfortunate individuals concerned in this case; but he trusted that no further steps would be taken to the injury of those respectable gentlemen, and whose characters, he would say, were not deserving of any reproach being cast upon them.

Mr. *Hume* knew nothing of the persons whose names had been mentioned; but the question, he said, to be considered was this—what redress were these poor people to get? He had looked to the right hon. Gentleman whose observations on this point had been addressed to the House, because he hoped to hear from him that redress should be obtained for them. Let them call the act of these gentlemen error, or what else they pleased—here were two unfortunate individuals suffering unjustly. Here, then, were circumstances, when it became necessary that an example should be made. His hon. Friend had told them of the injury, the severe injury that had been done. Then how were they who had suffered to be redressed? They had heard of actions being brought, and heavy damages being given, for a few hours' or a few days' unjust imprisonment; but here there was something worse—here were poor persons for a few shillings sent for a month to prison and condemned to hard labour. Was it not, he asked, in such a case as this, the duty of the Government to protect the poor, to secure to them relief, to ensure for them redress? He did think that this was the duty of a Government, and therefore it was that he asked of Her Majesty's Government to do something for them. He did not know what that should be, nor what was the best mode in which it could be done. There was another point, also, to be considered. Here were 20*s.* costs on that which was originally but 5*s.* How long, he asked the right hon. Baronet was that to continue? Here it was plain that the law did not protect poor persons—here unfortunate individuals were conveyed to prison, irregularly, improperly, and as it plainly appeared, contrary to law; for they were told by the Secretary of State that these convictions had been wrong. Then, if the law could not relieve these persons, could it not punish the wrong doers, or was it to be stated that there was no remedy for them? Was it to be said that gentlemen could act thus, and no compassion be shown—that they should deprive persons of their liberty, and the Government afford no redress? This was, he said, an instance in which the Government ought to throw its shield over and protect such poor persons. He was sorry to hear nothing said by the right hon. Gentleman as to his determination to obtain justice.

Sir *J. Graham:* After what had been said by the hon. Gentleman, he hoped the House would excuse him for saying a few words. The Prerogative of the Crown would be immediately exercised in favour of these poor persons, and then the magistrates would have the opportunity either of vindicating their conduct in a court of law, or of satisfying those individuals for the injuries they might suppose they had done them. Saying this, he thought that from a Minister of the Crown, anything like a threat would be most unbecoming in this state of the case.

Mr. *Hume* considered the explanation of the right hon. Gentleman perfectly satisfactory.

Mr. *F. French* said, that there could be no doubt that here the parties had a right to complain of the injustice, and it might be said of the ignorance of these persons; for, if he were rightly informed, they had no power to commit, unless it had been proved that property had been secreted to avoid the payment of rates [*Cries of* "No, no."] What! was it possible that they committed persons for their poverty? It was a monstrous thing if a person could be committed to prison for his poverty; that a person should be liable to be committed if he could not pay *5s.*, and then in order to add to his misery, 20*s.* costs put on the original sum, and the person destined to prison and hard labour for not paying.

Sir *J. Easthope* trusted that the House would further indulge him for a moment to express his acknowledgments to the right hon. Baronet for the frank manner in which he had met this case. He must, however, implore of the right hon. Gentleman not to let the first post to-morrow pass without ordering the release of these poor people. It was painful to think that they had been confined so long, and that, too, most illegally and unjustly. He felt strongly that not a moment should be lost in directing their release; and he thought the House would be of the same opinion, that the right hon. Gentleman could not so well discharge his duty as in hastening their relief—ay, if it were even but by six hours. The remedy ought to be applied the first moment that the grievance was thus known and proved.

Sir *J. Graham* wished to state, for the purpose of preventing mistake or disappointment, lest any delay should occur, that before those persons could be released from prison, an instrument must be submitted to Her Majesty for her sign manual.

Mr. *B. Escott* considered this a very proper case to be submitted to the attention of the House and the Government. It was one of those deplorable cases which occurred under the existing law, and that law he hoped to see soon altered. He hoped that the time was coming when the power of thus mulcting parties with costs would be put an end to. It was, however, to be observed, that though the Statute gave the power of ordering costs, it did not give the power to magistrates to order any illegal payments. If the costs in this case were examined, he doubted whether it would be found that they were sanctioned by law. This was an important point, and it was one to which he wished to call the attention of his right hon. Friend. It did not follow that because the Act of Parliament allowed costs, that therefore illegal fees should or could be demanded.

Mr. *Gisborne* presumed, that as to the fees in this case, they would be found hung up in the clerk's office, duly inscribed in some old table, sanctioned by some old judge, whose name was now forgotten. Perhaps it would be found, that if these tables of fees were examined, that where there was a common conviction the fees should be 4*s.*, but where there was a game conviction, the costs should be 10*s.* Such, he knew, was the case in Derbyshire; and, if they made an inquiry, perhaps it was the case in Leicestershire. [Mr. *Packe:* No, no.] He was glad to hear it; it showed that they were more civilized in Leicestershire than in other parts of the country. He wished to ask the right hon. Baronet (who appeared to him to have done everything that could be done in this case) one question; it was whether he had received an explanation of this matter from the clerk?

Sir *J. Graham* replied that it was quite true that he had received an explanation from the clerk, who was of course more cognizant of all the circumstances than the magistrates, and he must say that nothing could be more frank than the explanation given.

ARMY ESTIMATES.] On the Question that the House go into Committee of Supply,

Mr. *Hume* would not oppose the Vote of 100,000 men for the army at that period, provided it were understood that he should not be prevented from bringing forward the subject on a future occasion. His reason for consenting to postpone the matter was, that the Government desired to proceed with the Mutiny Bill.

Mr. *Williams* said, that if the House consented to this Vote they would, in fact, be passing the whole Army Estimates, amounting to 6,000,000*l.* It would not afterwards be in their power to refuse any other part of the Votes proposed to them. Wednesday night was not a proper time to call upon the House to vote away 6,000,000*l.* of the public money; and no less a sum of money than that was involved in the Vote in question. There was no necessity for pressing on the Vote on account of the Mutiny Act, as three weeks would elapse before the Act would expire.

The *Chancellor of the Exchequer* said, the hon. Gentleman could not but be aware, that although 129,000 was the number of men stated in the Mutiny Bill, it did not follow that that force would be maintained during the year. The Act stated the number of men which the Crown might during the year raise for the standing army; but then the number actually employed must, of course, depend on the money granted to pay all the troops in the service; and the hon. Gentleman would have as good an opportunity of bringing forward his proposal of a reduction on the question of the amount of money to be paid, as on that of the number of men to be employed. As the Mutiny Act expired on the 22nd of April, it was necessary to hasten its renewal. He trusted, therefore, that the hon. Gentleman would not object to the Government taking the first Vote.

Mr. *Williams* said, if he were to state the reduction he wished to make, he did not believe any accountant in England, after a month's application, could tell the precise cost of a given number of men. There were so many contingent items, that no correct result could be arrived at.

The *Chancellor of the Exchequer* would undertake to promise, that if the hon. Gentleman would state what reduction he intended to propose, his right hon. Friend would furnish him with the exact cost, and by that means the hon. Gentleman's object would be secured.

Mr. *Williams* would state in a few words what reduction he wished to have made. The reason which had always been assigned in the discussions which he had heard on this subject in favour of having a large standing army, was the necessity which existed for affording better reliefs to the regiments stationed in the Colonies. Now, he would show how that object might be accomplished, and the amount of the army be reduced by 11,000 men. There were three regiments of Life Guards, which performed no duties in the Colonies; there were also three regiments of Foot Guards, to which the same remark applied. Those regiments, with the exception of one of them, which had been in Canada since the termination of the war, had not performed any active duty. In all they were 6,561 men, and the cost of these six regiments was equal to that of 11,000 infantry. It was by no means his desire to see Her Majesty deprived of that sort of outward display which she was usually surrounded with when she appeared on occasions of state; but what he objected to was the small amount of duty that was performed at so great a cost. He had never seen on duty more than six of these Life Guards—he meant as sentinels—at one time, except perhaps six times in the course of a year when Her Majesty had levees, and on no one of those occasions had he ever seen more than one of these regiments employed. If then these troops were placed on the same footing as regiments of the line, they might make a saving equal to the cost of 10,000 men. The only argument that he had ever heard for keeping up our large standing army at its present numbers was the necessity of having reliefs for the Colonial duties. With that necessity his proposition would not interfere, for they would have precisely the same means of relief if they abolished these regiments altogether as they had at present.

Mr. *S. Herbert* wished to understand the hon. Gentleman correctly. The hon. Gentleman proposed, he thought, to retain one regiment of Life Guards, as at present; but that the other regiments of Life Guards and the Foot Guards should be put on the footing of regiments of the line, without any reduction of their numbers.

House went into Committee—a Vote was taken for 100,011 men, exclusive of the troops employed in India, for the year ending the 31st of March, 1846.

House resumed.

Report to be received.

PUBLIC MUSEUMS.] On reading the Order of the Day for going into Committee on the Public Museums, &c., Bill,

Sir *J. Graham* said, he wished to go into Committee *pro formâ* merely. He did not think it right that the operation of the Bill should be confined to works of art in any particular locality; and he had therefore considered that it would be desirable to extend the provisions of the Bill as it stood at present, and he was about to move an instruction to the Committee to effect that object. There were many valuable works of art to which the Bill as at present limited would give no protection. For instance, the statue of the Duke of Wellington, near the Mansion-house, ought to be brought within the protection of the law. His noble Friend (Lord F. Egerton) had most liberally thrown open to the public his valuable and extensive collection of paintings and works of art, and it would be monstrous that any mischief should be done by means of a breach of his noble Friend's hospitality without the possibility of due punishment reaching the offender. The painted window of St. Margaret's Church might be broken by a stone thrown at it, and as the words of the Bill stood they would not reach such an offence. He therefore wished to give the measure a more extensive operation, and he begged to move that it be an instruction to the Committee that they have power to extend the provisions of the Bill to all works of art, and scientific and literary institutions; and, if the House agreed to that instruction, he proposed to go into Committee *pro formâ*, so that the provisions of the Bill might be made co-extensive with the mischief.

Instruction agreed to. Bill went through Committee *pro formâ*, to be reported.

POOR LAW (SCOTLAND).] The *Lord Advocate* rose to move for leave to bring in a Bill for the amendment and better administration of the laws relating to the Relief of the Poor in Scotland; and stated that he should, with the leave of the House, explain as briefly as possible the grounds on which he ventured to make the Motion, as well as the nature of the measure which, if permitted, he intended to propose for the adoption of the Legislature. It was known to the House, at least it was known to many Members of the House, that public attention had been for some time past a good deal directed to the state and condition of the poor in Scotland; and an impression existed that in some parts of that country, particularly in the great towns and some rural districts, the condition of the poor was not what it ought to be. He was not speaking now with reference to those occasional visitations of extraordinary distress which were so deplorable, and to which every country was more or less liable — commercial and manufacturing districts, from extraordinary depression and vicissitude of trade—agricultural districts, from extraordinary periods of sterility and vicissitude of season. Those were extraordinary occurrences. They overcame all ordinary precautions, and baffled all ordinary calculations, and must be met by extraordinary exertions befitting the occasion, calculated as much as possible to mitigate the sufferings which such occurrences always bring, and to repair the damage they create. But such a state of extraordinary exertion could not possibly be the constant condition of any system or of any permanent establishment for the relief of the poor. The impression to which he had alluded as existing in Scotland, and the measure he was about to submit, had reference, not to those extraordinary visitations of distress, but to the ordinary condition of the permanent poor. In reference to that condition, so far back as 1838, by desire, the General Assembly of the Church of Scotland had appointed a Committee to inquire, and a Report was made by that Committee to the House of Commons, which contained a great deal of valuable matter, both as to the condition of the poor, and as to the law and practice of Scotland in maintaining them. In 1842 Returns were moved for in the House of Commons (he believed by the hon. Member for St. Andrew's), with reference to the condition of the poor in all the parishes in Scotland. Those Returns were printed in 1843, and they also contained a great deal of valuable information. In January, 1843, a commission of inquiry into the state of the poor of Scotland was appointed. That Commission pursued its labours for nearly a year, and it was impossible to speak in too high terms of praise of those labours, or of the anxiety, industry, and judgment evinced by the noblemen and gentlemen by whom that inquiry was conducted. In May, 1844, they made their Report, and that Report was now on the Table of the House, together with the evidence collected by them in reference to the state of the poor and the administration of relief in every district in Scotland. That Report, and the evidence upon which it was based, established, he thought, beyond all doubt, that the feeling which had previously obtained as to the condition of the poor in many parts of Scotland was not without cause. In some parts of the country, especially in the large towns, a great deal of poverty and misery existed, and the application of means of relief was not what was to be wished. The same might be said of some of the rural districts. That was the conclusion come to by the Commissioners who had examined the evidence. He would take their words. They said,—

> "That the funds raised for the relief of the poor, and the provision made for them out of the funds raised for their relief is, in many parishes throughout Scotland, insufficient."

Then they say,

> "There is undoubtedly abundant evidence to prove that the allowances are often inadequate, both in town and country parishes; and that the amount of relief given is frequently altogether insufficient to provide even the commonest necessaries of life. Throughout the Highland districts, and in some parts of the Lowlands also, where the funds consist solely of what may be raised by the Church collections, the amount is often inconsiderable. In many of these places, it will be seen that the quantum of relief given is not measured by the necessities of the pauper, but by the sum which the Kirk Session may happen to have in hand for distribution."

Again:—

> "In adverting to the inadequacy of the allowances, we must not, however, be understood to confine our statements to those parishes only in which no fund, except church collections, is raised for the poor either by voluntary contributions or by a legal assessment; as there are many of the assessed parishes to which the same remarks are almost equally applicable. We cannot cite a stronger instance than that of the city of Edinburgh, in which the Town Council have for years declined to increase the rate of assessment, notwithstanding applications made by the managers of the poor, and their representations that the necessities of the poor were increasing, and the funds raised insufficient."

Now he was bound to say that, having weighed the whole of the evidence with the best attention in his power, and having no inconsiderable acquaintance with the parties examined, he had found himself obliged to come to the same conclusion, that the condition of the poor was not what it ought to be, and that some legislative interference was absolutely necessary. He should not detain the House by citing from these volumes the evidence which confirmed that conclusion; any citation would be easy; and it would be very easy, by means of a selection of passages, to excite the sympathies of hon. Gentlemen; but he thought there would be no use in that. He felt confident that the conclusion to which the Commissioners had come, and in which he concurred, would not be disputed by any one who took the trouble to peruse the evidence with attention; and in dealing with a matter of this kind, where the object desired was sound and permanent legislation, he would rather seek to obtain his end by addressing the dispassionate judgment of the House, than by endeavouring to excite any transient and temporary feeling, Now, if the fact were as the Commissioners reported, and if it was a just impression on the minds of many persons in Scotland that the poor were not sufficiently attended to, and that something must be done, he need not advance further in endeavouring to show the reason why he asked the House to interfere. He had sometimes been congratulated in this end of the island on the absence of Poor Law in Scotland, and he had been met by expressions of astonishment when he said that there did exist in that country a complete system of Poor Law. To Members of the House of Commons it was of course known that there existed such a law, and to such of them as had read the Report of the Commissioners, it might not be necessary to explain what the law was; but he might be permitted to state, in a few words, the leading characters of the law, in order that the House might understand what were the defects of it, and what remedies it was proposed to apply. The substantial provisions of the Poor Law of Scotland were contained in a Statute passed in the reign of James VI. of that kingdom in 1579, and in two Proclamations of the Privy Council in the reign of William and Mary. This was all the law that existed for any compulsory provision whatever. That Statute and these Proclamations, with the explanatory decisions of the Court, and the consequent usage, might be said to constitute the Poor Law of Scotland. It was in a small compass, therefore, and was easily understood; and if the House would permit him to do so, he thought that he could, in a very few sentences, explain all that was necessary to be understood for the present purpose. In the first place, as to the persons who were the objects of the care of the Legislature, the substance of the law was, that provision should be made for the infirm and impotent poor. This related to persons labouring under bodily infirmity in consequence of age, or in consequence of non-age, or in consequence of disease or accident. All these persons, being unable to support themselves, were the objects of the law. It was not necessary, however, to entitle them to be recipients of the relief that they should be totally disabled—if they were partially disabled they might, under the law as it stood, have relief awarded to them in aid of what they could earn, so as to make up sufficient for their subsistence; but they must be either wholly or partially disabled, to bring them within the provisions of the law. If they could work at all, they must work to a certain extent. That being the state of the case as to the persons who were entitled to claim relief, he might now state, that when such persons fell into a situation of poverty, their claim for relief lay against the parish of their settlement. Settlement in Scotland was gained in four ways—by birth, parentage, residence, or marriage; and it was the law of Scotland that a settlement once acquired could not be lost except by acquiring another in another parish. Then as to the funds which existed for the maintenance of the poor: these consisted, in the first place, of contributions at the doors of the parish churches. Such contributions were made on Sabbath at every parish church, and produced no inconsiderable revenue. There were other voluntary contributions. It sometimes happened that the people of a particular district agreed to contribute on a scale which they settled for themselves; these sums were very considerable, and they were on the increase. There might also be sums "mortified" as it was called in Scotland, or bequeathed for the use of the poor. The remaining source was the fund raised by legal assessment. In Scotland there was full power by the Statute of 1579, and the Proclamations to which he had alluded, for the parochial authorities to assess for the maintenance of the poor, and that without any limit as to amount other than the necessities of the case. That had been the law since 1579; it was the law now, and in several parishes it was acted upon to a large extent. In landward parishes—that was, parishes which were not boroughs or towns—the proprietors or heritors of land paid one-half of the assessment, and the other half fell upon the inhabitants and householders. The former part of the assessments was laid on according to the value of the land; the latter was imposed, on the principle of the Property and Income Tax, according to the "means and substance" (as it was called) of the parties; and although he had heard complaints as to this mode of assessment being made arbitrarily, and without sufficient means of knowledge, he had never received any authentic information, or even an allegation, from any person that he had been assessed beyond his substance; but, if there were such a case made out, relief would be given. The law then made full provision for the support of the poor; and it put into the hands of those who had the administration of the law the power of assessing to any extent necessary for the purpose. He would now explain to whom the administration of the law was committed. In towns the administration of the law devolved nominally on the magistrates, who were responsible; but practically, it rested, in a great measure, with the kirk sessions,—that was, the minister and elders of the parish. In landward parishes the administration was with the proprietors or heritors and the kirk sessions. It was not prescribed by Statute that the relief should be in any particular form. The requisite was that the poor should have needful sustentation, and that might be given in clothes, food, money, house-rent, or any way most advantageous to them. The amount depended on the opinion and discretion, in the first place, of the administrators of the fund. Of course, that amount must depend on many circumstances, and would vary in different districts. Needful sustentation must depend on the other resources of the persons receiving relief, on the rate of living in the part of the country where they resided, and the style of living to which the labouring classes in the same district were accustomed; for it could scarcely be contended, nor could it be a salutary principle, that the support given to the poor should be greater than that which was earned by the labourer in full employment, supporting his family. A discretionary power thus existed as to the amount of relief to be given. But it might happen that a poor person was denied relief—the parish might refuse to consider his case or listen to his application. If that occurred, the Sheriff of the county, who in Scotland was a local judge appointed by the Crown, holding office for life, and therefore perfectly independent, had full power and authority under the law to require that the parochial authorities should meet and take the claim into consideration; and when, having so met and considered, if they should deny the right of the applicant to be admitted on the list of the poor of that particular parish, or if they should award him an amount of relief insufficient for his support, there was still a remedy for the pauper, by application to the Supreme Court, which had power and jurisdiction to compel the parochial authorities to receive the claim, and place the party on the roll amongst those who were receiving relief. The Supreme Court had also full power to compel the parochial authorities not to defeat the intentions of the Legislature by giving mere illusory relief, but to do their duty honestly and faithfully. From what he had now stated, it would be seen that in Scotland every impotent poor person has a statutory right to relief — that in every case there is some parish liable to him— generally the parish which has most recently had the benefit of his healthful labour and industry for a course of years, and in which poverty has overtaken him; —that in every parish there is an administrative body charged by law with the duty, and armed by law with the power, of giving relief and raising funds for that purpose; and finally, that if that body neglects or refuses to do its duty, the courts of law have power to compel it. There was then a right and an obligation; there were persons to perform that obligation; and there was the power to compel them to perform it. That being the state of the law, its general scope and provisions were sufficient for the attainment of the object in view. Now, it could not be said that the state of things which he had described, and the existence of which was proved by the Report to which he had referred, was, because the law was framed in a different condition of the country from the present—when it was in a less advanced or improved state. It could not be said that the country in its improvement had outgrown the law and its provisions; because (and he thought this would be conceded on all sides) the provisions of the law which he had stated were suited to any country; and it was also notorious that the operation of the law was most efficient and perfect in districts of the country that had advanced most in civilization and become the most improved. The improvement of the country, therefore, had not outgrown the law; but, on the contrary, the law had obtained strength and energy as improvement advanced. That law was very similar to the law established in England in the reign of Queen Elizabeth. But he had almost forgotten to mention that the law of Scotland went further—it also provided for the education of the poor; and in every parish there was a system of education supported by the parish funds, and the teachers were obliged to teach the children of the poor gratuitously. It might to some be surprising to observe, that while the contemporaneous enactments were so similar in the two countries, practically the results of them in the progress of time had been so materially different. Whether the balance of advantage was on one side or the other, he did not stop to inquire; but he thought there were two considerations which he might point out to the House, as perhaps the main causes of that difference. In the first place, it would be observed that the law of Scotland, in so far as regarded its compulsory enactments, was limited to cases of infirm poor, whether permanently or occasionally so, and did not embrace the case of the able-bodied. That limit amounted to a plain line of distinction as to the parties entitled to relief. The limitation operated in a double manner. Poverty alone was not enough; neither was infirmity alone enough. There must be poverty conjoined with infirmity, to entitle a party to relief. Poverty might be the result of mere idleness, drunkenness, or dissolute conduct, and there was, therefore, no limit or effectual check to it; but infirmity was not, generally speaking, under the power or control of parties to be extended at pleasure; non-age and old age would not come and go at the bidding of parties; and even infirmity from disease or accident was not likely to be purposely induced by many in conjunction with poverty. This condition of the law had the effect of materially limiting the numbers of the poor admitted to relief in the one country, as compared with the other, and perhaps it had also the effect of stimulating the able-bodied to greater exertion. In the second place, there was this other characteristic of the Scotch system, that the provision primarily depended on for the poor was the voluntary contributions of the parishioners of the different districts; and the power of the law had only been called in to aid those contributions where they proved insufficient. Accordingly, there was in many parts of Scotland a great reluctance to have recourse to the system of assessment, and also a reluctance on the part of the poor to receive relief in that shape; and there were not wanting at the present day able and eloquent and pious and benevolent advocates of the system of voluntary contributions as preferable to assessment, both as regards the physical and the moral condition of the people. These circumstances might account for the different state of matters now in the two countries, notwithstanding the apparent similarity of the contemporaneous enactments. But whatever might have been the cause of the difference, he ventured to say that no proposal could excite more alarm and dissatisfaction among the people of Scotland, than a proposal to introduce there a Poor Law system similar to that of England. Whatever might be the reason, undoubtedly that feeling prevailed. They had heard a good deal of the heavy burdens imposed upon those who were bound to pay, of the dissatisfaction amongst those who received, and of the frequent attempts, from time to time, made to alter the law; and, rightly or wrongly, they had come to the conclusion that the people of England had not yet arrived at a settlement of the matter satisfactory to themselves. They therefore desired to avoid anything that partook of the English system rather than of their own. He would now advert to the evils described in the Report of the Commissioners as at present existing in Scotland. Those evils did not arise from any want of charity, or from any unwillingness on the part of the people to relieve poverty; for in those parishes in which there was no legal assessment, as well as in those in which assessment was made, there was a gradual increase of the funds contributed for the use of the poor, more than proportionate to the gradual increase of the population. But in many districts the circumstances of the people had materially changed; and in others, perhaps, there was some indifference—or rather, he would say, a want of attentive observation—especially in towns where there had been a great influx from the country beyond the efflux from the towns to the country. In many districts, too, a great change of circumstances had been occasioned by the alteration of the system of management of land. Small farms had been thrown into large farms, and the consequence was, that there were fewer people able to contribute for the relief of the poor now than formerly. Then, again, in some extensive localities along the coast, the entire annihilation of the kelp manufacture had thrown many persons out of employment; and while the means of the contributors had decreased, and the funds for relieving the poor had become lessened, the poverty and misery of the labouring classes had materially increased. The question then was, what was to be done to remedy the state of things as proved to exist, resulting, as it had done, not from the law as he had described it, but from various circumstances? In many parishes the poor did not receive sufficient in relief to support them. As to the actual amount received, that (as the House would be aware) was no test of the relief afforded, unless taken with reference to other circumstances, as the habits of life in the district, and the kind of subsistence the applicant would be enabled to obtain by his labour; and the aid of various kinds which he might derive from other sources. Upon that subject the Commissioners had reported as follows,—

> "The amount of the money allowance made by the administrators of the poor funds gives, in most cases, but a very imperfect notion of a pauper's resources and actual means of livelihood. There are very few of those receiving relief in the country parishes who are not able in some way or other to earn a little towards their own subsistence; besides which, the standard of living varies so much in different parts of Scotland, that with 1s. a week in one parish, a pauper may be in fully as good a condition, as compared with the independent labourer, as he would be with 2s. a week in another."

The condition of the able-bodied labourer when employed in his own district was a far better test or standard of comparison, than the condition of a person of the same class in another part of the kingdom. It was well known, too, that in Scotland people did not usually possess the same wealth as in this country, and it was equally true that the labourers did not live on the same fare. They were more frugal but not less hardy. Neither those who had to give, nor those who had to receive, were in the same condition in the two countries; and nothing could be more erroneous than to test the one country by the standard of the other—as gentlemen from this end of the island were apt to do, when they went down at a certain season of the year to occupy the mansions and sport over the manors of Scotch proprietors—forgetting that it was generally the poverty of the one and the wealth of the other, that enabled them so to enjoy themselves. But after making every allowance for the difference between the two countries, it could not be denied that evils existed which ought to be remedied; and the practical question was, what remedy ought to be applied? It appeared to him that two things were to be aimed at: 1st, To facilitate to the party entitled to relief the means of admission to the receipt of relief; and, 2dly, To secure due attention to his condition after his right was admitted. If these two things were accomplished, what more could be desired? As he had already explained, the power of assessment was already unlimited, and might be extended according to the wants of the poor: therefore, if it were effectually provided that relief should be given according to the condition of the parties requiring it, little more could be desired. It was essential that the means of obtaining relief should be easy; but to secure this there were obstacles to be removed, which he would state to the House. At present no parish was bound to relieve a pauper, except that in which he had a legal settlement; the result of that might be that a serious obstacle was opposed to him. The parish of his settlement might be at a great distance when he wanted the relief, and he might find it difficult, or perhaps impossible, to reach it; and even when he got there his claim might be disputed, and the result would be litigation, perhaps expensive litigation, to prove his right. Suppose that the parish authorities, after meeting to consider his case, should refuse positively to admit his claim, the pauper now had no redress except by going to the Supreme Court—a remedy distant and tedious. And even if these difficulties did not arise, there was still a want of persons whose duty it should be to examine into and look after the condition of the poor in their respective districts—of persons whose duty it should be to notice those who require relief, but were unwilling to come and demand it. Now he proposed that all such obstacles as he had described should be removed. He proposed, in the first place, to enact that every poor person should be entitled to obtain relief, in the first instance, in the parish in which he might happen to be when the necessity for that relief arose. He would remove from the pauper the onus of establishing his claim against any other parish. He would give the pauper a right against the parish in which he was found; and if that parish should seek to relieve itself from the burden, it must do so by ascertaining the parish of settlement against which the claim lies, and enforcing that claim. The pauper was not to be the party upon whom this duty should devolve. He should get relief from the parish in which he was found, until that parish should have established the liability of a different parish. Having so established that liability, then he proposed that the parish in which the pauper was found should have relief from the parish so found to be liable. This would get rid of all litigation as to the parish ostensibly liable. The arrangement he had to propose would be attended with other advantages; for in the next place he proposed that the pauper should not only get relief in the parish in which he was found, but that he should get it immediately. Supposing that the parish whose duty it was to give relief refused to do so, by the present law the remedy of the pauper lay in an appeal to the Supreme Court. But this means of redress was distant, tedious, expensive, and liable to other objections. In dealing with that point—namely, the right of the pauper to claim and obtain relief from the parish, which was a question partly of fact and partly of law, he proposed that, in the first instance, the local judge—the Sheriff of the county—should decide upon the question; and if the Sheriff decided in favour of the applicant, and the parish determined to appeal to a higher tribunal, that, nevertheless, in the meantime, the decision so pronounced by the Sheriff should be acted upon, and the pauper should receive relief. The amount of the relief would be fixed, in the first instance, at least, by the parochial authorities. Having thus secured the pauper's easy and speedy admission to the roll of persons entitled to relief, the next object was to secure due attention to his case and circumstances, to provide that he should obtain adequate relief. There was at present a want of local activity and constant attention as to this point; there was an evident need of some central power to keep the local authorities in motion, and the public had no opportunity of ascertaining the conduct of those authorities in distant parts of the country. In order to remedy these evils, he proposed that in every parish a person should be appointed, whose duty it would be to attend to the condition of the poor, to keep a list of the persons entitled to relief, and to distribute the amount awarded to them; and he proposed further the appointment of a central authority to which the local authorities in each parish should make regular reports of their proceedings, and which should exercise a general supervision over all the parishes in the country. He intended that those reports should not only include the names of all persons in receipt of relief, and the amount of that relief, but also the names of all persons who had applied for relief. Then came the question—what was to be done in case any of the local authorities refused to grant a just and adequate amount of relief? This was said to be the great source of the existing evil, and the want of a proper corrective was said to be the chief defect of the present system; the only door open to the poor man for obtaining redress, if proper relief was withheld, was an appeal to the Supreme Court. He (the Lord Advocate) thought some authority ought to be constituted, or some means devised, which might afford speedy redress in these cases; and he believed such a measure—the known existence of such a power—would tend most effectually to check injustice wherever there was a disposition to exercise it. At present, although a poor man was entitled to sue in the Supreme Court *in formâ pauperis*, the remedy he might expect to obtain was at best distant, and while his case was pending he had no means of support. The existing system of appeal to the Supreme Court also imposed great hardship upon parishes in many cases; for it was in the power of any obstinate pauper, or speculative attorney, to drag a parish into Court, and compel them to expend in litigation the funds which ought to be devoted to the relief of the poor. It was undoubtedly the fact, that instances of this kind had recently occurred in different parts of Scotland, and parishes had been subjected to, and in other cases threatened with, tedious and expensive litigation. The system of appeal to the Supreme Court, as it now existed, was therefore objectionable as regarded the interests both of the pauper and of the parish. What then was to be done? The Commissioners had stated that, upon a consideration of these evils, they were "inclined to suggest" the abolition of the right of appeal to the Supreme Court, and they had not proposed to substitute anything in its place. That course, however, would take away all power of control over the local authorities; and when he (the Lord Advocate) found it necessary to come to the House, and ask for an amendment of the law, because full justice was not done by the local authorities, he could not concur in the propriety of such a course. The Commissioners expressed their conviction, that if proper supervision was exercised over the local authorities, and publicity was given to their proceedings, public opinion would have so strong an influence, that the parochial authorities would, in a short time, do ample justice to the poor. He (the Lord Advocate) believed that opinion to be well founded; but a considerable time must elapse before such an object could be attained, and the paupers of the present day could not be fed with the mere hope that future generations of paupers would be in a better condition than that in which they were placed. Holding, then, that some power of control ought to exist; holding, also, that the system of appeal to the Court of Session, as now in use, was liable to serious objections, as regarded the interests both of the pauper and of the parish, the question came to be, whether some other control was to be substituted for the Court of Session, or whether the appeal to the Court of Session should be so regulated as to remove the chief objections to it? The Commissioners, who had bestowed great attention on the subject, had been unable to suggest any other safe tribunal in place of the Court of Session. They had considered whether it would be advisable to leave the determination of the amount of relief to the sheriffs or the local magistrates; and their opinion was decidedly adverse to such a course. The opinion expressed by them on that point was more clear and decided than perhaps on any other point noticed in the Report; and the reasons in support of that opinion were also fully given. They say,—

> "The evils attendant on an appeal to the local magistracy as to the proper amount of aliment, are, we think, so great, that we have no hesitation in stating our opinion to be decidedly adverse to such an innovation. It is obvious that the opinions of individual judges or magistrates may vary so materially on the question of what ought to be the proper amount of

relief, that cases of the same description might be differently decided according to the feeling and prejudices of the parties appealed to."

Then, after citing proofs in support of that opinion, they proceed,—

> "These examples are sufficient to show how little reliance can be placed on the opinion of any one person as to the proper quantum of allowance."

He concurred in the opinion so decidedly expressed by the Commissioners, against leaving the determination of the amount of the allowance to the mere discretion of any one person. The difficulty of finding a new tribunal would be so great, and the objections to adopting such a course so strong, that, in his opinion, they must have recourse to the other alternative, and endeavour to regulate the appeal to the Court of Session so as to obviate the objections stated to it. He hoped, indeed, that they would be able to place the appeal to the Supreme Court under such regulation as would effectually accomplish the objects which they had in view. He would now state how he proposed to attempt this. He had already stated his belief, that some central authority was wanting. The Commissioners had suggested that there should be established a board of supervision in Edinburgh. He agreed with this suggestion; and he thought, too, that the Board should have considerable power, both as to superintending, and in some degree interfering, when necessary, with the proceedings of the parochial authorities. This Central Board, to be safely invested with such powers, must be carefully constructed. It should be a Board, some of the members of which would have a clear inducement to attend to their functions—while others should be selected from those who from inclination and disposition would be most likely to be willing to devote some portion of their time and labour to the duties imposed upon them. It should consist, too, of some persons of legal knowledge, and of others not necessarily possessing such knowledge; but men well acquainted in general with the state of society in Scotland, and the wants and claims of the poor. The Board, to be efficient, should be composed of men who would bring into it a combination of all these requisites. He proposed, then, that the number of its members should be nine. Of these, he proposed that three should be appointed by the Crown; one of them to be paid for the performance of the duty to be devolved upon him, and who, along with the Secretary, should give constant attendance to the duties. The other two to be selected from among those who might be expected to take an interest in the management and welfare of the poor. Besides these three, he proposed that there should be six *ex officio* members of the Board. As two of those *ex officio* members he proposed the Lord Provost of Edinburgh, and the Lord Provost of Glasgow, for the time being. The distance from Glasgow to Edinburgh was considerable; but the communication between these cities was now rendered comparatively easy by railroad; and he was sure that any individual who occupied the high station of Lord Provost of Glasgow would willingly devote some portion of his time to a matter of such great importance, especially to that city. He proposed, also, that the Solicitor General of Scotland, for the time being, should be another *ex officio* member of the Board. Then, for the remaining three members, he proposed to take the Sheriffs, for the time being, of three of the most important Scotch counties — proposing, also, in the case of these three latter gentlemen, to reward their services by a small addition to their regular salaries. He proposed to take first the Sheriff of Perthshire —a county called the Yorkshire of Scotland—of great extent, and varied character; partly highland and partly lowland, partly agricultural, partly pastoral, partly manufacturing. Another of the sheriffs he proposed to find in the Sheriff of a large Highland county, in which great destitution was stated at present to prevail—he meant the county of Ross. As the third member of this department of the Board, he would propose the Sheriff of Renfrewshire — a manufacturing, a mineral, and an agricultural county—containing, amongst others, the towns of Paisley, Renfrew, Port Glasgow, Greenock, and Kilbarchan. The Sheriffs of these counties were all resident in Edinburgh. They were all gentlemen of high legal acquirements; and were also obliged, at stated periods, to repair to their counties; and they mixed generally with society there. The nature of the causes that came before them in their courts was also calculated to give them knowledge as to the condition of the humbler classes. They would, with these qualifications, he trusted, be able to render the most efficient assistance to the Board; and, by making the addition he proposed to their salaries, he would have considerable claims upon their attention. Having described the constitution of the Board, he would now state what was the remedy he proposed, by means of it, to apply to the evils which he had already alluded to as encompassing the present system of appeal to the Court of Session. He proposed that a certain control over the power of appeal should rest in this Board. He proposed that if the parochial authorities should have given to a poor person an amount of aliment which he considered insufficient, that he should be empowered to state his complaint to the Board of Supervision; that it should be the duty of the Board of Supervision to inquire into the circumstances of the case; and considering that the Board would be in communication with every parish in Scotland, would be cognizant of the different habits of each district, and would have within its reach easy means of obtaining any information it might require, he thought that an investigation so conducted would most probably prove a satisfactory one. If the Board of Supervision, constituted as he described, and possessing all these means of information, should concur with the parochial board in thinking that no injustice had been done—that the complaint was an unreasonable or a speculative one, then he thought it might safely be held that justice had been done; and he proposed that the judgment of the Board of Supervision, confirming the judgment of the parochial authorities, should be conclusive in the matter. If, however, on the contrary, the Central Board should be of opinion that injustice had been done, that the complaint was not unreasonable, and if the cause of the complaint was not removed—then he proposed that the enunciation of that opinion by the Central Board should be sufficient to entitle the pauper to maintain an action *in formâ pauperis;* and he proposed further, that in such a case the Central Board should have power to determine what they considered a reasonable amount of relief, and to order the pauper to receive that relief until the decision of the Court appealed to should be known—if, after the expressed opinion of the Central Board, the parish chose to carry the matter to the Supreme Court. It would be observed that this plan of procedure, while it gave immediate relief to the pauper, would prevent any accumulation of speculative or ill-founded actions in the Supreme Court, brought against parishes, and which might involve them in tedious and expensive litigation. It would substantially remove the evils to which the pauper was at present exposed, and it would also substantially remove the evils to which the parish was exposed. He proposed, too, that the Board should have the power of inquiring and investigating, generally, into all matters connected with the administration of the Poor Law in all the districts of Scotland. As to local or parochial Boards, he proposed that in regard to landward parishes, when such parishes resolved to raise the funds for relief of the poor by assessment, that, in addition to the heritors and Kirk Session, there should be associated with them in the management of the poor, a certain number of representatives chosen by the ratepayers. The local Board would thus be composed of the heritors, the Kirk Session, and representatives chosen by the ratepayers. He was now speaking in regard to parishes which were of a purely landward character. But there were some parishes of a mixed character, partly landward, and partly burghal. By the law as it at present stood, and especially since a decision pronounced some years ago in the House of Lords, considerable difficulty was found to exist, in regard to the administration of the law in such parishes. He would propose that all parishes which were now partly burghal, that was to say, every parish in which there was a royal burgh, should henceforward be dealt with as a burghal parish, and that the same principle should also apply to every parish in which there was what is called a parliamentary burgh or town sending, or contributing to send, a Representative to Parliament. All these parishes would be treated as town parishes. At present the administration of the law, in regard to the poor in towns, was vested nominally and responsibly in the magistrates, but practically it devolved in many towns on the Kirk Sessions. He would propose that in every town an administrative body or local Board should be constituted, partly of members of the Kirk Sessions, and partly of persons elected by the ratepayers. But that was not the most important change which he intended to propose in the town parishes. He need scarcely remind the House, that it was the practice of poor persons living in towns frequently to change their residences; and a change, though only from street to street, might often be a change from one parish to another; and thus, though living for many years in the same town, they frequently resided too short a time in any one parish to acquire a settlement by residence. He considered this to be a hardship, and in order to obviate it, he would suggest that all the parishes in any town, or extending into the parliamentary district of any town, should be formed into a combination of parishes, and should be considered as one, so that a settlement obtained in the district thus formed, would be a settlement in the place. Another advantage to be derived from this arrangement, would be that of uniting the poorer with the richer portions of each town—thus effecting a more perfect equalization of the burden of pauperism than existed at present. It would be said, however, that there existed generally a considerable influx from the country into towns, and that as he proposed to afford new facilities for settlement in towns, there might be cause to apprehend an inconvenient accumulation of pauperism in towns. To prevent such a result, he thought it would be proper to extend the period at present sufficient for the attainment of settlement. That period was a residence of three years. He proposed to extend it to seven years. With respect to the providing of funds, it had been suggested that it should be made compulsory on all parishes to impose an assessment. He did not think it requisite to make it compulsory upon all parishes to assess themselves. If the funds were provided, if the poor did receive sufficient relief—it was a matter of no general importance in what manner they were so provided. The parties interested ought to be allowed to raise the necessary funds in the manner most agreeable to themselves. In many cases there might be good reasons why a parish would not choose to resort to an assessment. [He then quoted, from the Report of the General Assembly, a statement as to the relative expense of management in parishes assessed and parishes not assessed.] In cases, however, in which an assessment should be resolved upon, he proposed to give the authorities power to classify property for that purpose, and to allow them to impose different rates of assessment on the different classes of property, provided that all property of the same class should be assessed at the same rate. He also proposed to allow them to take the value of property, or of the occupancy of it, as a criterion for assessment on means and substance, if they thought that desirable. It was important that the manner of assessment should be left as optional as possible. What was suitable or convenient in the circumstances of one parish might not be so in another. Whenever recourse was had to compulsory assessment, it was desirable that it should be laid on in the manner that was least burdensome or distasteful. It was therefore desirable that the system should not be a rigid and inflexible one, suited to an average or majority of cases, but should be an expansive and flexible system, which admitted of being accommodated to every case. He had now stated most of the principal provisions of the Bill he proposed to introduce. By means of these provisions, he hoped to be able to compel a particular and constant attention to the condition of the poor—to afford to the pauper in cases of injustice a speedy and efficient redress against wrongful refusal of relief—to compel relief to the pauper from the parish in which relief first became necessary, without putting the applicant to unreasonable and unnecessary expense. [An *Hon. Member* asked what would be the course proposed to be adopted in cases of removal.] As to removal, he proposed that when the parish of settlement should be ascertained, the parish in which the pauper was resident at the time might give notice to the parish of settlement, and make it responsible for the sum advanced after the date of ascertainment; and unless the parish of settlement should remove the pauper immediately, or enter into some arrangement for his regular support, that then the parish in which he was resident should be entitled to pass him to the parish in which he had a legal settlement, at the expense of that latter parish. He proposed also that settlement by residence should not be prospectively acquired by any persons who had not been themselves born in Scotland, or whose father had not been a Scotchman domiciled in Scotland at the time of their birth. He likewise intended that the funds raised for the relief of the regular parish poor should be applicable to the relief of occasional poor, and that medical relief should be provided from such funds in cases of sickness or accident, and that there should be a power to apply part of the funds to the education of the poor. Further, he proposed to give to towns power of erecting poor-houses for the accommodation of their pauper population. He did not propose, however, to make the erection of such buildings compulsory. He thought that it was by far the most advisable course to leave their construction optional to the parties interested. In cases, however, where they should be established, the rules and regulations to be observed by the inmates would be placed under the superintendence of the Board of Supervision, as well as the plans for the construction of the buildings. He now came to the case of lunatics. He did not mean to deal generally with the laws relating to lunatics in Scotland, though he did not think they were altogether satisfactory; yet this was not the proper occasion for reforming them. With regard to pauper-lunatics, he proposed that they should be sent to an asylum of some kind, unless the Board of Supervision should dispense with such removal in any particular case. There were some cases in which such a removal would be cruel, as it would deprive the harmless lunatic of the benefit of moving about in good air, and of the care of his relations. The learned Lord then referred to a paper by Dr. Hutchinson, of Glasgow, relative to lunatics in the Island of Arran, which had been printed in the Appendix to the Report of the Commissioners. That paper had been noticed in the House last July by the hon. Member for Lambeth, when he (the Lord Advocate) was necessarily absent from town. He hoped he might now be allowed to say a few words in reference to that paper, which certainly, on mere perusal by a person unacquainted with the facts, was calculated to produce the impression it had made on the hon. Member. The paper by Dr. Hutchinson bore no date, and the Report of the Commissioners, in which it appeared, was dated in May, and printed in June or July, 1844. About a year before then, it had been discovered that a number of pauper lunatics had been privately sent to Arran, contrary to law, from various parts of Scotland, probably from motives of economy. He had in July 1843, in conjunction with the Sheriff of the county, resolved to take measures to have these lunatics removed, and to put a stop to the system; and in August, 1843, sixty-eight lunatics were removed from there. The moment attention was called to the state of matters, active steps were taken to remedy the abuse, and, by the prompt and judicious arrangements of the Sheriff, most of these lunatics were removed in one day; threats of prosecutions for penalties were held out to those who sent them there, and they were compelled to pay the expenses incurred. On seeing the notice on this subject by the hon. Member for Lambeth, he had thought it right to make further inquiry, and had addressed a letter to the Sheriff of the county with that object, and the answer returned was exceedingly satisfactory. [He then read several queries he had addressed to the Sheriffs, and stated the answers returned.] The Sheriff had gone to the island, accompanied by a medical gentleman from Edinburgh, and had examined into every case mentioned by Dr. Hutchison. There was reason to believe that some of the persons who had been represented to Dr. Hutchison as lunatics, were really not so, but were residing in Arran in consequence of delicate health, or being addicted to habits which rendered a certain degree of seclusion necessary. Those who were lunatics had been removed, or placed under the provisions of the law. [Mr. *Hawes*: Where were they sent?] Fifty-nine were sent to Glasgow, and other places—nine to Paisley. [Mr. *Ellice*, jun.: To what asylum?] They were supported at the expense of their own different parishes. There was no provision for their being sent to an asylum under the present law, unless they were dangerous. He believed he had now stated the chief details of the measure he proposed to introduce. The leading benefits which it was calculated to confer on the poor were, 1st. Compelling periodical and constant attention to their condition, and preserving a record of what had been done, or refused to be done. 2d. Giving speedy and effectual redress against wrongous refusal of relief. 3rd. Also, against illusory or inadequate compliance with the right to relief. 4th. Requiring relief to be given in the parish where the pauper was found, leaving to the parish, not to the pauper, to find out the liability of another parish. 5th. Authorising the poor funds to be applied for procuring medical relief. 6th. And for the education of poor children. 7th. And for relief of occasional claims. 8th. Facilitating compulsory assessments for all those purposes. 9th. Authorising assessments for the erection of poor-houses. 10th. Uniting burghal parishes so that settlement by residence shall not be interrupted by removal from one parish to another in the same town, and other advantages will be gained. 11th. Requiring that insane paupers shall be sent to asylums, except in special cases. He should conclude with moving for leave to bring in a Bill for the amendment and better administration of the laws relating to the relief of the poor in Scotland.

Lord *Dalmeny* congratulated the Government and the country on the fact that they (the Ministers) had not only turned their attention to the question of the Scotch poor, but grappled with the difficulties that beset it. He was not prepared to say that the measure just introduced would be effectual for the purpose in view. He was not then in a condition to pronounce a positive opinion on its provisions. There were several opinions broached by the learned Lord which admitted of controversy, and he should reserve for the second reading the suggestion of such Amendments as he thought desirable.

Mr. *Edward Ellice*, jun. said, he unfortunately was not present during the early part of the learned Lord's Address, and must reserve any distinct opinion on the Bill until the second reading. He might be permitted to say, from what he heard of its provisions, that though he gave credit like his noble Friend to the Government, for grappling with so difficult, and to the people of Scotland, so important a question; still he doubted whether the measure was sufficiently comprehensive in its details to meet the case. From personal attention to the condition of the poor in a considerable district, he doubted whether any but compulsory assessment would be effectual, which should, in his opinion, be levied under the superintendence of persons not locally interested. There could be no doubt of the distress of the population, or of the necessity of some comprehensive measure of relief. That part of the learned Lord's speech which related to lunatics was not quite clear. Every one knew that the present system was a disgrace to a civilized community. The manner of taking care, or rather no care, of persons so afflicted, was as disgraceful as the old prison discipline before the system was amended. He understood the learned Lord to propose that pauper lunatics should be confined in asylums. If, however, he supposed that parishes would voluntarily assess themselves for the erection of such buildings, he begged to tell him that such an idea was not to be entertained for a moment.

Mr. *Hume* had listened with attention to the very clear and distinct statement of the learned Lord. He did not concur in the opinion that assessment should be compulsory. If the learned Lord was correct in saying that the law as it existed gave the power to assess adequately in Scotland as in England, he thought the Government right in not going beyond the existing law. The only thing that remained for legislation was to see that those who had such powers did their duty. If once the compulsory system were adopted, it would be hard to recede. He hoped adequate means would be provided for the care of lunatics; and he was disposed to think that the Bill made a cautious beginning.

Mr. *Hawes* thanked the learned Lord for the manner in which he had taken up the inquiry into the state of the lunatics in the Isle of Arran, and he was sure, when the learned Lord's attention was promised, that it would be effectually done. He must say, also, that a more comprehensive or luminous speech, or one more calculated to carry conviction throughout the country, he had never heard delivered in that House. The main difficulties of this question had been grappled with with great caution, and the noble Lord was introducing a new system under the most favourable auspices. Reference had been made to the necessity for a compulsory assessment; now, as he understood the present proposal, it did contain the germ of a compulsory assessment. He did not say this to prejudice the measure; but, as he understood it, supposing inadequate relief were given, the party had an appeal to the Board of Supervision, and on hearing they were fully authorized to order a sufficient allowance, and when a few such cases were determined there would be a general standard of allowance; and as funds must be raised, the present proposal came to the compulsory assessment by the most moderate, most unexceptionable, and the safest way. Speaking generally, the Government deserved great thanks for this Bill; and, so far as those who were free from the great interests of property involved in the proposal, could give the Government their support, they ought to give it freely, being assured that if there were any details requiring amendment which would be proposed, and if they were backed by reasons, they would not find unwilling attention. With regard to lunatics, in particular, he hoped the learned Lord would see the necessity for some provision. Although the learned Lord stated that the lunatics, who had been illegally confined in the Isle of Arran, had been released, he was not satisfied that they were much better off now; and unless they provided public asylums, or compelled the parishes to furnish proper medical aid at an early period of the disease, they would not have taken all the means in their power to mitigate this greatest of all calamities. One of the enormous burdens which pressed upon England, and which was likely to go on increasing, arose from the number of persons who were permanently lunatic; he believed that many of these cases, if they had received medical treatment at an early stage, would not now be burdens: if, therefore, the learned Lord would suggest the means of providing public asylums, he believed it might in the end be found the most economical plan. It was known that there was a tenacity of life amongst confirmed lunatics; and he thought that if public lunatic asylums, under proper medical direction, were provided early, they would be the means of lessening the great burden now felt.

Mr. *Fitzstephen French* only wished that Her Majesty's Government would act towards Ireland as they were acting towards Scotland; but the right hon. Gentleman the Secretary of State for the Home Department, in answer to a question put to him by the hon. Member for Mallow, had refused even to inquire into the Poor Law system in Ireland. With respect to the nine years' residence proposed before a party not born in Scotland could be entitled to relief, he doubted whether many persons deserving aid, especially from Ireland, would not be excluded.

Sir *J. Graham* said, that the hon. Gentleman laboured under a mistake as to the answer he was supposed to have given to the hon. Member for Mallow. He had said, that it was not the intention of Her Majesty's Government to institute any inquiry into the Poor Law as connected with Ireland; but he had not said, that if any hon. Gentleman on the other side of the House, or on that side, should make such a Motion, and if it should receive the general concurrence of the House, that the Government was not prepared to consent to such an inquiry. He must observe, that Her Majesty's present Government were not responsible for the application of the Poor Law to Ireland; and he had himself expressed great doubts, when it was introduced, whether it would be found to answer; but now having to administer the law as he found it, he had done his best to make it work well, and he did not despair of its being rendered progressively more conducive to the interests of the country. The hon. Gentleman had expressed surprise that an industrial residence in Scotland for a short time should not give a settlement to the Irish; but the hon. Gentleman must bear in mind that if an unfortunate Scotchman were resident in Belfast, he might labour for forty years without obtaining a settlement, however productive his industry might have been. This was no argument indeed why an Irishman should not obtain a settlement in Scotland; but there must be some reciprocity, and the hon. Gentleman must consider that an Irishman in the manufacturing districts of Scotland, would obtain a settlement, whereas a Scotchman in Ireland would be entitled to no relief; and he must not be surprised that a country which did possess an equality of burdens, should not wish to increase them. He could not sit down without cordially thanking the hon. Member for Lambeth for the frank and generous support he had given to the measure, stated with so much ability by his learned Friend, the learned Lord—a more able statement had never been presented to an intelligent people by any officer. He was persuaded that his learned Friend, who well knew the habits and feelings of his country, by giving his aid to the Government, and his talents in preparing this measure, had rendered a valuable service to the people of that country of whose bar he was a distinguished ornament, and that no measure could be introduced upon any authority to which the people of Scotland, without distinction of party, would give a more favourable consideration.

Leave given. Bill brought in and read a first time.

House adjourned at eleven o'clock.

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TO
HANSARD'S PARLIAMENTARY DEBATES,
VOLUME LXXVIII.
BEING THE SECOND VOLUME OF SESSION 1845.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negative.—*l.*, Lords.—*c.*, Commons.—*o. q.* Original Question.—*o, m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

⁂ It has seemed better, instead of incumbering this Index with a reference to Private Bills, upon which debate seldom occurs, to collect them in a table at the end, in form similar to the Paper issued by the House of Commons. The date will be a sufficient reference to the volume. The progress of Bills will not be carried *beyond* the contents of each volume; but it is not intended to omit from the table appended to each the stage that Bills may have passed through recorded in preceding volumes.

☞ *The * indicates that no Debate took place upon that Reading.*

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LIST OF BILLS.

LIST OF
PUBLIC BILLS IN PARLIAMENT,
AND PROCEEDINGS THEREON,
Session 1845.

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Bail in Error . . . . L.	...	...	...	...	Feb. 20.	Feb. 28.		
Bastard Children . . . . . . L.	...	...	...	...	Mar. 17.			
Bastardy	Feb. 24.	Feb. 25.	Mar. 6.	Mar. 14.	Mar. 17.			
Calico Print Works	Feb. 18.	Mar. 12.	April 2.	...				
City of London Trade . . . . . . L.	...	...	..	...	Mar. 13.			
Colleges of Physicians and Surgeons . . .	Feb. 25.	Feb. 25.						
Companies Clauses Consolidation	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 4.	Mar. 6.	Mar. 13.		
Companies Clauses Consolidation . [*Scotland*] .	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 4.	Mar. 6.	Mar. 13.		
Compensation to Families of Persons killed by Accident . . . . L.	..	..	..	...	Feb. 18.			
Consolidated Fund (£8,000,000)	Mar. 4.	Mar. 5.	Mar. 6.	Mar. 11.	Mar. 13.	Mar. 14.	Mar. 17.	Mar. 18.
Constables . . . . . . [*Scotland*] .	Feb. 13.	Feb. 13.	Feb. 17.	Feb. 20.	Feb. 28.	Mar. 3.	Mar. 10.	Mar. 18.
Customs Export Duties	Mar. 10.	Mar. 11.	Mar. 12.	Mar. 17.	Mar. 18.			
Customs Import Duties	Mar. 18.	Mar. 20.	Mar. 21.					
Deodands Abolition . . . . L.	..	..	..	..	Feb. 24.	Mar. 14.		
Divorce . . . . L.	...	...	...	..	Mar. 13.			
Field Gardens	Mar. 4.	Mar. 4.						
Fresh Water Fishing . . [*Scotland*] L.	...	...	...	...	Mar. 11.	Mar. 14.		
Heritable Securities . . [*Scotland*] .	Mar. 7.	Mar. 7.	Mar. 14.					
Infeftment . . . . . [*Scotland*] .	Mar. 7.	Mar. 7.	Mar. 14.					
Jewish Disabilities Removal . . . . L.	...	Mar. 17.	..	..	Mar. 7.	Mar. 10.	Mar. 14.	
Justices' Clerks and Clerks of the Peace	Feb. 20.	Feb. 26.	Mar. 12.					
Lands Clauses Consolidation	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 19.				
Lands Clauses Consolidation . . [*Scotland*] .	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 20.				

PUBLIC BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH.	COMMONS.				LORDS.			ROYAL ASSENT.
		LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1^{o}.	BILL READ 2^{o}.	BILL READ 3^{o}.	BILL READ 1^{a}.	BILL READ 2^{a}.	BILL READ 3^{a}.	
Museums of Art		Mar. 6.	Mar. 18.	Apr. 2.					
Outlawries		...	Feb. 4.						
Parochial Settlement		Feb. 11.	Feb. 17.						
Pauper Lunatics Amendment	[*Ireland*] L.	...	...	...	...	Mar. 10.	Mar. 17.		
Peace Constables, near Public Works	[*Scotland*] L.	Feb. 27.	Withdrawn						
Physic and Surgery		Feb. 25.	Feb. 25.						
Poor Law Amendment	[*Scotland*]	Apr. 2.	Apr. 2.						
Post Office Offences Act Amendment	L.	...	...	...	...	Mar. 17.			
Property Tax		Feb. 20.	Feb. 21.	Feb. 27.	Mar. 12.	Mar. 13.	Mar. 17.		
Public Museums		Mar. 18.	Mar. 18.	Mar. 31.					
Railway Clauses Consolidation		Feb. 6.	Feb. 6.	Feb. 10.	Mar. 19.				
Railway Clauses Consolidation	[*Scotland*]	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 20.				
Roman Catholic Relief		Feb. 20.	Feb. 20.						
Select Vestries	L.	..	...	...	...	Feb. 4.			
Service of Process	L.	...	...	...	...	Feb. 13.	Mar. 3.		
Service of Process	[*Ireland*] L.	...	...	...	...	Feb. 13.	Mar. 3.		
Service of Summons	[*Scotland*] L.	...	...	...	...	Feb. 17.	Mar. 3.		
Smoke Prohibition			Mar. 5.	April 2.					
Stamp Duties Assimilation		Feb. 20.	Feb. 21.	Feb. 27.	Mar. 5.	Mar. 6.	Mar. 11.	Mar. 14.	Mar. 18.
Sugar Duties		Mar. 10	Mar. 11.	Mar. 12.					

PRIVATE BILLS.

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Aberdare . . . . [*Railway*] . .								
Aberdeen . . . . [*Railway*] . .	Feb. 28	Mar. 20.						
Agricultural and Commercial . [*Bank of Ireland*] .	Feb. 27	Mar. 31.						
Amicable Society Assurance . [*Company*] . .	Feb. 21.	Mar. 7.	Mar. 14.					
Anderston . . . . [*Municipal & Police*]	Feb. 26.	Mar. 19.						
Argyll's (Duke of) . . [*Estate*] . .	Lords Bill							
Ashton, Stalybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches) . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					
Barnsley Junction . . [*Railway*] . .	Feb. 14.	Feb. 27.	Mar. 4.					
Battersea . . . [*Poor*] . . .	Feb. 27	Mar. 14.						
Bedford and London and Birmingham . . . . [*Railway*] . .	Feb. 27	Mar. 13.						
Belfast . . . . [*Improvement*]. .	Feb. 26.	Mar. 20.						
Belfast and Ballymena . . [*Railway*] . .	Feb. 7.	Mar. 4.	Mar. 10.					
Belfast Lough . . . [*Drainage*] . .	Feb. 28							
Berks and Hants . . . [*Railway*] . .	Feb. 24.	Mar. 11.	Mar. 17.					
Bermondsey . . . [*Improvement*] (No. 1).	Feb. 28.							
Bermondsey . . . [*Improvement*] (No. 2).								
Birkenhead (Commissioners') . [*Dock*] . . .	Feb. 7.	Feb. 20.	Feb. 24.	Apr. 1.				
Birkenhead (Company's) . [*Docks*] . . .	Feb. 12.	Feb. 26.	Mar. 3.					
Birkenhead, Manchester, and Cheshire Junction . . [*Railway*] (No. 1) .	Mar. 20.							
Birkenhead, Manchester, and Cheshire Junction . . [*Railway*] (No. 2) .								
Birmingham . . . [*Improvement*] .	Feb. 27.	Mar. 13.						
Birmingham and Gloucester [*Railway Acts Amend.*].	Mar. 20.							
Birmingham and Gloucester, (Gloucester Extensions, Stoke Branch, and Midland Railways Junction) . . [*Railway*] . .	Mar. 31.							

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Birmingham and Gloucester (Wolverhampton Line)	[*Railway*]	Mar. 31.							
Birmingham and Gloucester (Worcester Branch and Cheltenham Eetensions)	[*Railway*]	Mar. 31.							
Birmingham and Gloucester (Worcester Deviation)	[*Railway*]	Mar. 31.							
Birmingham and Staffordshire	[*Gas*]	Feb. 13.	Feb. 26.	Mar. 3.					
Blackburn	[*Waterworks*]	Feb. 25.	Mar. 13.						
Blackburn and Preston	[*Railway*]	Feb. 25.	Mar. 12.	Mar. 17.					
Blackburn, Burnley, Accrington, and Colne Extension	[*Railway*]	Feb. 10.	Feb. 26.	Mar. 4.					
Blackburn, Darwen, and Bolton	[*Railway*]	Feb. 21.	Mar. 13.						
Black Sluice	[*Drainage and Navigation*]	Feb. 25.	Mar. 12.	Mar. 18.					
Boddam	[*Harbour*]	Feb. 27.	Mar. 31.						
Boileau's	[*Divorce*]	Lords' Bill.	...	...	...	Mar. 18.			
Bradford	[*Gas*]	Feb. 19.	Mar. 5.	Mar. 10.					
Bridgeton	[*Municipal & Police*]	Feb. 13.	Mar. 10.						
Bridgwater	[*Navigation & Railway*]	Feb. 14.	Feb. 27.	Mar. 3.					
Brighton and Chichester (Portsmouth Extension)	[*Railway*]	Feb. 21.							
Brighton, Lewes, and Hastings (Keymer Branch)	[*Railway*]	Feb. 28.	Mar. 13.	Mar. 31.					
Brighton, Lewes, and Hastings (Hastings, Rye, and Ashford Extension)	[*Railway*]								
Bristol	[*Parochial Rates*]	Feb. 27.	Mar. 17.						
Bristol and Exeter	[*Railway Branches*]	Mar. 18.							
Bristol and Gloucester	[*Railway*] (No. 1)	Mar. 20.							
Bristol and Gloucester	[*Railway*] (No. 2)								

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1^a.	BILL READ 2^a.	BILL READ 3^a.	
Bristol and Gloncester, and Birmingham and Gloucester	[*Railways*]	Feb. 28.							
Bristol (Redcliff)	[*Bridge*]	Feb. 27.	Mar. 12.	Withdrawn.					
Britten's	[*Divorce*]	Lords' Bill.	Feb. 28.	Mar. 5.	...	Feb. 26.	Feb. 24.	Feb. 28	
Burnley	[*Improvement*]	Feb. 21.							
Caledonian	[*Railway*]	Feb. 5.	Feb. 25.	Mar. 3.					
Calton and Bridgeton	[*Police*]	Feb. 19.	Mar. 12.						
Calvert's	[*Estate*]	Lords' Bill.	...	...	...	Mar 4.	Mar. 11.		
Cambridge and Lincoln	[*Railway*]	Feb. 14.	Mar. 5.	Mar. 10.					
Castle Hill (Wexford)	[*Docks*]	Feb. 28.							
Chelsea	[*Improvement*]	Feb. 28.	Mar. 17						
Chester	[*Improvement*]	Feb. 28.	Mar. 19.						
Chester and Birkenhead Extension	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 25.					
Chester and Holyhead	[*Railway*]	Feb. 13.	Feb. 26.	Mar. 3.					
Chester and Holyhead (Mold Branch and Purchase of Chester and Birkenhead)	[*Railway*] (No. 2)	Mar. 20.							
Chester, Manchester, and Liverpool Junction	[*Railway*]	Mar. 17.							
Churnet Valley	[*Railway*]	Mar. 3.							
Claughton cum Grange (St. Andrew's)	[*Church*]	Feb. 24.	Mar. 11.						
Claughton cum Grange (St. John the Baptist's)	[*Church*]	Feb. 24.	Mar. 11.						
Clerkenwell	[*Improvement*]	Feb. 28.	Mar. 13.	Mar. 31.					
Clifton	[*Bridge*]	Feb. 28.							
Clydesdale Junction	[*Railway*]	Feb. 10.	Mar. 11.	Mar. 17.					
Cockermouth and Workington	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 25.					
Cork and Banden	[*Railway*]	Feb. 28.							
Cornwall	[*Railway*]	Feb. 13.	Mar. 17.						

PRIVATE BILLS.—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH. COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1^{o}.	BILL READ 2^{o}.	BILL READ 3^{o}.	BILL READ 1^{a}.	BILL READ 2^{a}.	BILL READ 3^{a}.	
Coventry, Bedworth, and Nnneaton [*Railway*]	Mar. 7.							
Crediton [*Small Debts*]	Feb. 28.	Mar. 13.						
Cromer Protection from the Sea	Feb. 28.							
Cromford [*Canal*]	Feb. 14.	Feb. 27.	Mar. 3.					
Devonport [*Gas & Coke*]	Feb. 11.	Feb. 26.	Mar. 3.					
Direct London and Portsmouth [*Railway*]	Mar. 18.							
Direct Northern (No. 1) [*Railway*]	Feb. 21.	Withdrawn.						
Direct Northern (Lincoln to York) [*Railway*] (No. 2)	Mar. 20.							
Diss and Colchester Junction [*Railway*	Mar. 20.							
Diss, Beccles, and Yarmouth [*Railway*]	Mar. 14.							
Dublin [*Cemeteries*]	Feb. 28.							
Dublin [*Pipe Water*]	Feb. 28.							
Dublin and Belfast Junction, (Branch to Kells) [*Railway*]	Feb. 25.							
Dublin and Drogheda [*Railway*]	Feb. 24.	Mar. 14.						
Duddeston and Nechells [*Improvement*] (No. I)	Feb. 27.	Mar. 13.	Withdrawn.					
Duddeston and Nechells [*Improvement* (No. 2)								
Dundalk and Enniskillen [*Railway*]	Feb. 24.	Mar. 17.						
Dundee [*Waterworks*]	Feb. 27.	Mar. 20.						
Dundee and Perth [*Railway*]	Feb. 27.	Mar. 20.						
Dunstable and London and Birmingham [*Railway*]	Mar. 6.							
East Dereham and Norwich [*Railway*]	Mar. 31.							
Eastern Counties (Cambridge and Huntingdon Line) [*Railway*]	Feb. 12.	Feb. 26.	Mar. 10.					
Eastern Counties (Ely and Whittlesea Deviation) [*Railway*]	Feb. 12.	Feb. 26.	Mar. 4.					
Eastern Counties (Hertford and Biggleswade Line) [*Railway*]	Feb. 12.	Mar. 3.	Mar. 7.					

PRIVATE BILLS.—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 2ª.	
Eastern Union	[*Railway*]	Feb. 28.	Mar. 14.						
Eastern Union and Bury St. Edmund's	[*Railway*] (No. 1)	Mar. 7.							
Eastern Unions and Bury St. Edmund's	[*Railway*] (No. 2)	Mar. 19.							
Eastern Union and Norwich	[*Railway*] (No. 1)	Mar. 7.							
Eastern Union and Norwich	[*Railway*] (No. 2)	Mar. 19.							
Eastern Union (Harwich)	[*Railway and Pier*] (No. 1)								
Eastern Union (Harwich)	[*Railway and Pier*] (No. 2)								
Edinburgh and Glasgow	[*Railway*]	Feb. 5.	Mar. 4.	Mar. 10.					
Edinburgh and Hawick	[*Railway*]	Feb. 11.	Mar. 10.	Mar. 14.					
Edinburgh and Northern	[*Railway*] (No. 1)	Mar. 5.							
Edinburgh and Northern	[*Railway*] (No. 2)	Mar. 19.							
Edinburgh Life Assurance	[*Company*]	Feb. 27.	Mar. 19.						
Ellesmere and Chester and Birmingham and Liverpool Junction	[*Canals Union*]	Feb. 6.	Feb. 19.	Feb. 24.					
Ely and Huntingdon	[*Railway*]	Mar. 18.							
Epsom and Dorking	[*Railway*]	Apr. 2.							
Erewash Valley	[*Railway*] (No. 1)	Feb. 24.	Mar. 17.						
Erewash Valley	[*Railway*] (No. 2)								
Exeter and Crediton	[*Railway*]	Mar. 20.							
Falmouth	[*Harbour Improvement*]	Feb. 25.	Mar. 12.	Mar. 18.					
Fisher Lane (Greenwich)	[*Improvement*]	Motion.	Feb. 13.	Mar. 10.					
Forth and Clyde	[*Navigation*]	Feb. 14.	Mar. 5.	Mar. 10.					
Forth and Clyde Navigation and Union	[*Canal Junction*] (No. 1)	Feb. 25.							
Forth and Clyde Navigation and Union	[*Canal Junction*] (No. 2)	Feb. 27.	Mar. 20.						
Foulmire	[*Inclosure*]	Feb. 11.	Mar. 7.	Mar. 14.					
Glasgow	[*Bridges*]	Feb. 25.	Mar. 17.						

PRIVATE BILLS.—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1o.	BILL READ 2o.	BILL READ 3o.	BILL READ 1a.	BILL READ 2a.	BILL READ 3a.	
Glasgow Harbour Union	[*Railway*]								
Glasgow	[*Markets*]	Feb. 27.	Mar. 19.						
Glasgow	[*Police*]	Feb. 28.	Mar. 19.						
Glasgow and Shotts	[*Road*]	Feb. 25.	Mar. 18.						
Glasgow, Barrhead, and Neilston Direct	[*Railway*]	Mar. 14.							
Glasgow, Dumfries & Carlisle	[*Railway*]	Feb. 5.	Feb. 25.	Mar. 3.					
Glasgow, Garnkirk, and Coatbridge	[*Railway*]	Feb. 27.	Mar. 19.						
Glasgow Junction	[*Railway*]	Feb. 6.	Mar. 7.						
Glasgow, Paisley, Kilmarnock, and Ayr	[*Railway*]	Feb. 6.	Mar. 7.	Mar. 17.					
Glossop	[*Gas*]	Feb. 27.	Mar. 12.						
Gloucester and Dean Forest	[*Railway*]	Mar. 31.							
Goole and Doncaster	[*Railway*]								
Grand Junction	[*Railway*]	Mar. 7.							
Gravesend and Rochester	[*Railway*]	Mar. 20.							
Great Grimsby and Sheffield Junction	[*Railway*]	Feb. 10.	Feb. 25.	Mar. 3.					
Great North of England (Clarence & Hartlepool Junction)	[*Railway*]	Mar. 19.							
Great Southern and Western (Ireland)	[*Railway*]	Feb. 18.	Mar. 13.						
Great Western, (Ireland) (Dublin to Mullingar and Athlone)	[*Railway*]	Mar. 20.							
Greenwich Colliery	[*Railway*]	Motion.	Feb. 17.						
Gresham	[*Avenue*]	Feb. 28.							
Grimsby	[*Docks*]								
Guildford, Chichester, and Portsmouth	[*Railway*]	Feb. 5.	Feb. 26.	Mar. 3.					

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3o.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Guildford Junction [*Railway*]	Feb. 28.							
Hamilton [*Gas*]	Feb. 28.							
Harrogate and Ripon Junction [*Railway*]	Feb. 27.	Mar. 14.						
Hartlepool [*Pier and Port*]	Feb. 27.	Mar. 12.						
Harwell and Streatley [*Road*]	Feb. 13.	Mar. 4.						
Harwich [*Railway*]								
Harwich and Eastern Counties Junction [*Railway*] (No. 1)	Mar. 5.							
Harwich and Eastern Counties Junction [*Railway*] (No. 2)								
Hemel Hempsted [*Small Tenements*]	Feb. 27.	Mar. 13.						
Heywood (No. 1) [*Waterworks*]	Feb. 12.							
Heywood (No. 2) [*Waterworks*]	Feb. 12.	Withdrawn.						
Huddersfield [*Waterworks*]	Feb. 24.	Mar. 11.						
Huddersfield and Manchester [*Railway & Canal*]	Feb. 10.	Feb. 25.	Mar. 3.					
Huddersfield and Sheffield Junction [*Railway*]	Feb. 14.	Feb. 27.	Mar. 4.					
Hull and Gainsborough [*Railway*]	Mar. 7.							
Hull and Selby (Bridlington Branch) [*Railway*]	Feb. 6.	Feb. 20.	Feb. 24.					
Hungerford and Lambeth [*Suspension Foot Bridge*]	Feb. 28.	Mar. 20.						
Irish Great Western (Dublin to Galway) [*Railway*]	Mar. 10.							
Kendal [*Reservoirs*]	Feb. 28.	Mar. 13.						
Kendal and Windermere [*Railway*]	Feb. 7.	Feb. 20.	Feb. 24.					
Keyingham [*Drainage*]	Feb. 27.	Mar. 20.						
Kidwelly [*Inclosure*]	Feb. 27.	Mar. 12.						
Kingston upon Hull [*Docks*]	Feb. 5.	Feb. 19.	Feb. 24.					
Kingstown and Bray [*Railway*]	Mar. 5.							
Labouring Classes Improvement [*Society*]	Feb. 6.	Feb. 19.						
Lady's Island and Tacumshin [*Embankment*]	Feb. 28.							

PRIVATE BILLS.—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH.	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1^{o}.	BILL READ 2^{o}.	BILL READ 3^{o}.	BILL READ 1^{a}.	BILL READ 2^{a}.	BILL READ 3^{a}.	
Lancaster and Carlisle . .	[*Railway*] . .	Feb. 7.	Feb. 20.	Feb. 24					
Launceston and South Devon .	[*Railway*] . .	Feb. 24.	Mar. 11.	Mar. 17.					
Leeds and Bradford Extension (Shipley to Colne) . .	[*Railway*] . .	Feb. 6.	Feb. 19.	Feb. 24.					
Leeds and Thirsk . .	[*Railway*] . .	Feb. 14.	Feb. 27.	Mar. 4.					
Leeds and West Riding Junction	[*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					
Leeds, Dewsbury, and Manchester Junction . . .	[*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					
Leicester Freemen's . . .	[*Allotments*] . .	Feb. 11.	Feb. 27.	Mar. 13.					
Liverpool	[*Docks*] . . .	Feb. 6.	Feb. 19.	Feb. 24.					
Liverpool and Bury (Bolton Wigan, and Liverpool and Bury Extension) . . .	[*Railway*] . .	Feb. 28.							
Liverpool Guardian . .	[*Gas*] . . .	Feb. 25.	Mar. 12.	Mar. 18.					
Liverpool and Manchester .	[*Railway*] . .								
Liverpool, Ormskirk, and Preston	[*Railway*] . .								
Liverpool, Ormskirk, and Preston (Skelmersdale Branch) .	[*Railway*] . .								
London and Birmingham .	[*Railway*] . .	Mar. 20.							
London and Brighton (Dorking Branch) . . .	[*Railway*] . .								
London and Brighton (Horsham Branch). . . .	[*Railway*] . .								
London and Brighton (Wandsworth Branch) . . .	[*Railway*] . .								
London and Croydon (Chatham and Gravesend) .	[*Railway*] . .	Mar. 20.							
London and Croydon (Chatham to Chilham) . .	[*Railway*] . .	Mar. 20.							

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
London and Croydon Enlargement, Orpington Branch	[*Railway*]	Mar. 5.							
London and Croydon (Kentish Lines)	[*Railway*]	Mar. 5.							
London and Croydon (Maidstone, Ashford, and Tonbridge)	[*Railway*]	Mar. 20.							
London and Croydon (Orpington Branch)	[*Railway*]	Mar. 20.							
London and Croydon	[*Railway Enlargement*]	Mar. 20.							
London and Greenwich	[*Railway*]	Feb. 27.	Mar. 12.						
London and Norwich Direct	[*Railway*]	Mar. 31.							
London and South Western (Epsom Branch)	[*Railway*]								
London and South Western (Metropolitan Extension)	[*Railway*] (No. 1)	Feb. 5.	Feb. 19.	Feb. 24.					
London and South Western	[*Railway*] (No. 2)	Feb. 28.	Mar. 13.	Mar. 31.					
London and Worcester and South Staffordshire (Dudley and Sedgley Branch	[*Railway*]	Mar. 19.							
London and York	[*Railway*]	Feb. 6.	Feb. 21.	Mar. 3.					
London, Chatham, and North Kent	[*Railway*]	Feb. 28.							
Londonderry and Coleraine	[*Railway*]								
Londonderry and Enniskillen	[*Railway*]								
London Orphan	[*Asylum*]	Feb. 26.	Mar. 12.	Mar. 31.					
London, Worcester, and South Staffordshire (Extension from Dudley to Wolverhampton	[*Railway*]	Mar. 20.							
London, Worcester, and South Staffordshire	[*Railway*]	Feb. 14.	Mar. 7.	Mar. 14.					

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Lowestoft . . . . [*Railway & Harbour*].	Feb. 27.	Mar. 14.						
Lyme Regis . [*Improvem. Mark. & Waterw.*]	Feb. 28.							
Lynn and Dereham . . [*Railway*] . .	Mar. 20.							
Lynn and Ely . . . [*Railway*] . .	Feb. 14.	Mar. 4.	Mar. 10.					
Manchester . . [*Court of Record*] (No. 1) .	Feb. 28.	Mar. 14.	Withdrawn.					
Manchester . . [*Court of Record*] (No. 2) .								
Manchester . . . . [*Improvement*] .	Feb. 28.	Mar. 19.						
Manchester and Birmingham (Ashton Branch) . . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					
Manchester and Buxton . . [*Railway*] . .	Feb. 13.							
Manchester and Leeds . . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					
Manchester and Leeds (Burnley Branch and Oldham and Heywood Branches Extension) [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					
Manchester and Salford . . [*Waterworks*] . .	Feb. 17.	Mar. 4.	Mar. 10.					
Manchester, Bury, and Rossendale . . . . . [*Railway*] . .	Feb. 27.	Mar. 13.						
Manchester, Bury, and Rossendale (Heywood Branch) . [*Railway*] . .	Feb. 14.	Feb. 28.	Mar. 4.					
Manchester Division [*Stipendiary Magistrate*] .	Feb. 7.	Feb. 20.	Feb. 24.	Withdrawn.				
Manchester, Leeds, and Hull Associated . . . . [*Railway Companies*]	Feb. 28.	Mar. 19.	Withdrawn.					
Manchester, Sheffield, and Midland Junction . . [*Railway*] . .	Mar. 7.	Mar. 20.						
Manchester South Junction and Altrincham . . . [*Railway*] . .	Feb. 10.	Feb. 25.	Mar. 3.					
Middlesbro' and Redcar . . [*Railway*] . .	Feb. 27.	Mar. 19.						
Middlesex . . . . [*County Rate*] .	Feb. 26.	Mar. 20.						
Midland Branches . . . [*Railway*] . .	Mar. 6.	Mar. 20.						
Midland (Ely to Lincoln) . [*Railways*] . .	Feb. 27.	Mar. 13.	Mar. 31.					
Midland (Nottingham to Lincoln) [*Railways*] . .	Feb. 27.	Mar. 14.	Mar. 31.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1^{o}.	BILL READ 2^{o}.	BILL READ 3^{o}.	BILL READ 1^{a}.	BILL READ 2^{a}.	BILL READ 3^{a}.	
Midland Railways Company (Birmingham and Gloucester and Bristol and Gloucester . [*Railways Purchase*]	Mar. 20.							
Midland (Swinton to Lincoln) [*Railways*] . .	Feb. 27.	Mar. 14.	Mar. 31.					
Midland (Syston to Peterboro') [*Railways*] . .	Feb. 27.	Mar. 14.	Mar. 31.					
Monkland and Kirkintilloch . [*Railway*] . .	Feb. 5.	Feb. 25.	Mar. 3.					
Monmouth and Hereford . [*Railway*] . .	Mar. 5.							
Newark and Sheffield . . [*Railway*] . .	Feb. 26.	Mar. 12.	Mar. 17.					
Newcastle and Berwick . . [*Railway*] . .	Feb. 11.	Mar. 4.	Mar. 10.					
Newcastle and Darlington (Brandling Junction) . . [*Railway*] . .	Feb. 12.	Mar. 3.	Mar. 7.					
Newcastle upon Tyne . . [*Coal Turn*] . .	Feb. 18.	Mar. 13.						
Newcastle upon Tyne . . [*Port*] . . .	Feb. 28.	Mar. 13.	Apr. 1.					
Newcastle upon Tyne and North Shields (Tynemouth Extension, &c.) . . [*Railway*] . .	Feb. 18.	Mar. 13.	Apr. 1.					
Newport and Pontypool . . [*Railway*] . .	Feb. 24.	Mar. 12.						
Newry and Enniskillen . . [*Railway*] . .	Mar. 7.							
North British . . . [*Insurance Company*] .	Feb. 28.	Mar. 20.						
North British . . . [*Railway*] . .	Feb. 18.	Mar. 10.	Mar. 17.					
Northumberland . . . [*Railway*] . .	Mar. 4.							
North Union and Ribble Navigation Branch . . . [*Railway*] . .	Mar. 5.	Mar. 19.						
North Wales . . . . [*Railway*] . .	Mar. 20.							
North Wales Mineral . . [*Railway*] . .								
North Woolwich . . . [*Railway*] . .	Feb. 27.	Mar. 18.						
Norwich and Brandon Deviation (and Diss and Dereham) Branches . . . . [*Railway*] . .	Feb. 6.	Feb. 27.	Mar. 3.					
Nottingham . . . [*Inclosure*] . .	Feb. 28.	Mar. 13.	Apr. 1.					
Nottingham . . . . [*Waterworks*] . .	Feb. 10.	Feb. 25.	Mar. 3.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1^{o}.	BILL READ 2^{o}.	BILL READ 3^{o}.	BILL READ 1^{a}.	BILL READ 2^{a}.	BILL READ 3^{a}.	
Oxford	[*Mileways*]	Feb. 24.	Mar. 12.						
Oxford and Rugby	[*Railway*]	Feb. 20.	Mar. 5.	Mar. 10.					
Oxford, Worcester, and Wolverhampton	[*Railway*]	Mar. 6.	Mar. 19.						
Paisley	[*Gas*]	Feb. 21.	Mar. 12.	Mar. 31.					
Plymouth and Stonehouse	[*Gas*]	Feb. 6.	Feb. 19.	Mar. 3.					
Portarlington and Tullamore	[*Railway*]								
Preston and Wyre	[*Railway Branches*	Mar. 20.							
Pudsey	[*Gas*]	Feb. 5.	Feb. 19.	Feb. 24.	Apr. 2.				
Quinborowe	[*Borough*]	Feb. 28.	Mar. 19.						
Reversionary Interest	[*Society*] (No. 1)	Feb. 28.							
Reversonary Interest	[*Society*] (No. 2)								
Richmond (Surrey)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.					
Royal Naval	[*School*]	Feb. 28.	Mar. 19.						
Runcorn and Preston Brook	[*Railway and Docks*	Mar. 17.							
Rye and Tenterden	[*Railway*]	Mar. 5.	Mar. 19.						
St. Helen's	[*Canal and Railway*]	Feb. 28.	Mar. 13.						
St. Helen's	[*Improvement*]	Feb. 25.	Mar. 12.						
St. Ives Junction	[*Railway*]	Mar. 20.							
St. Mathew, Bethnal Green	[*Rectory*]	Feb. 28.	Mar. 18.						
Scarborough	[*Waterworks*]	Feb. 19.	Mar. 5.	Mar. 10.					
Scottish Central	[*Railway*]	Feb. 11.	Mar. 4.	Mar. 10.					
Scottish Midland Junction	[*Railway*]	Mar. 19.							
Shaws	[*Waterworks*]	Feb. 25.	Mar. 17.						
Sheffield	[*Waterworks*]	Feb. 18.	Mar. 5.	Mar. 17.					
Sheffield and Lincolnshire Junction	[*Railway*]	Feb. 11.	Mar. 12.	Mar. 17.					
Sheffield and Rotherham	[*Railway*]	Mar. 6.	Mar. 31.						
Sheffield and Tinsley	[*Canal*]	Feb. 27.	Mar. 12.						
Sheffield Ashton-under-Lyne and Manchester	[*Railway*]	Feb. 27.	Mar. 12.	Mar 31.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1^{o}.	BILL READ 2^{o}.	BILL READ 3^{o}.	BILL READ 1^{a}.	BILL READ 2^{a}.	BILL READ 3^{a}.	
Shelsley	[*Road*]	Feb. 25.	Mar. 12.	Mar. 17.					
Shepley Lane Head & Barnsley	[*Road*]	Feb. 28.	Mar. 14.						
Shrewsbury and Birmingham	[*Railway*]	Feb. 6.							
Shrewsbury and Grand Junction	[*Railway*]	Mar. 18.							
Shrewsbury, Oswestry, and Chester Junction	[*Railway*]	Feb. 28.	Mar. 13.	Mar. 31.					
Skerries	[*Harbour*]	Feb. 28.							
Southampton	[*Docks*]	Feb. 14.	Mar. 3.	Mar. 10.					
Southampton and Dorchester	[*Railway*]	Mar. 4.							
South Devon (Tavistock and other Branches)	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 17.					
South Eastern	[*Railway*]	Feb. 18.							
South Eastern (Ashford to Hastings	[*Railway*]	Mar. 20.							
South Eastern (Branch to Deal and Extension of the South Eastern, Canterbury, Ramsgate and Margate)	[*Railway*]	Mar. 20.							
South Eastern (Hungerford Bridge to Chilham with Branches)	[*Railway*]	Mar. 20.							
South Eastern (Lewisham to Tunbridge and Paddock Wood)	[*Railway*]	Mar. 20.							
South Eastern (Maidstone to Rochester)	[*Railway*]	Mar. 20.							
South Eastern (Tunbridge to Tunbridge Wells)	[*Railway*]	Mar. 20.							
South Eastern (Widening and Extension of the London and Greenwich)	[*Railway*]	Mar. 20.							

PRIVATE BILLS—*Continued.*

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1o.	BILL READ 2o.	BILL READ 3o.	BILL READ 1a.	BILL READ 2a.	BILL READ 3a.	
Southport and Euxton Junction [*Railway*]	Mar. 4.	Mar. 19.						
South Wales [*Railway*]	Feb. 26.	Mar. 19.						
Southwark and Vauxhall [*Waterworks*]	Feb. 27.	Mar. 12.	Mar. 18.					
Sparrows Herne [*Road*]	Feb. 7.	Feb. 20.	Feb. 25.					
Spoad (Clun), &c. [*Inclosure*]	Feb. 26.							
Staines and Richmond [*Railway*]	Apr. 2.							
Stalybridge [*Waterworks*]	Feb. 24.	Mar. 11.	Mar. 19.					
Standard Life Assurance [*Company*]	Feb. 19.	Mar. 12.	Mar. 31.					
Stokenchurch [*Road*]	Feb. 26.	Mar. 14.						
Stoke upon Trent [*Market*]	Feb. 28.	Mar. 13.						
Sunderland, Durham, and Auckland Union [*Railway*]								
Surrey Iron Railway [*Company Dissolving*]	Feb. 24.							
Surrey and Sussex [*Roads*]	Feb. 19.	Mar. 5.	Mar. 10.					
Taunton [*Gas*]	Feb. 12.	Feb. 26.						
Taw Vale [*Railway & Dock*]	Feb. 28.	Mar. 19.						
Thames and Medway [*Canal*]	Feb. 14.							
Thames Navigation [*Debt*]	Feb. 10.	Feb. 25.	Mar. 3.					
Totness [*Markets & Waterworks*] (No. 1)	Feb. 28.							
Totness [*Markets & Waterworks*] (No. 2.)								
Tottenham and Farringdon Street Extension [*Railway*]								
Tranmere [*Docks*]	Feb. 28.							
Trent Valley [*Railway*]	Feb. 20.	Mar. 6.	Mar. 11.					
Ulster Extension [*Railway*]	Feb. 14.	Mar. 5.	Mar. 10.					
Wakefield, Pontefract, and Goole [*Railway*]	Feb. 5.	Feb. 26.	Mar. 3.					
Wallasey [*Improvement*]	Feb. 14.	Feb. 27.	Mar. 4.					
Waterford and Kilkenny [*Railway*]	Feb. 20.	Mar. 17.						
Waterford and Limerick [*Railway*]	Mar. 7.							
Waterman's Company [*Poor's & Endowments Fund*]	Feb. 27.	Mar. 12.						
Wear Valley [*Railway*]	Feb. 27.	Mar. 19.						

PRIVATE BILLS—*Continued.*

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1o.	BILL READ. 2o.	BILL READ 3o,	BILL READ 1a.	BILL READ 2a.	BILL READ 3a.	
Wells and Dereham . . [*Railway*] . .	Mar. 20.							
West Cornwall . . . [*Railway*] . .	Feb. 18.	Mar. 5.	Mar. 10.					
West London . . . [*Railway*] . .								
Westminster . . . [*Improvement*] (No. 1) .	Feb. 28.	Mar. 19.	Withdrawn					
Westminster . . . [*Improvement*] (No. 2) .								
West of London and Westminster . . . . [*Cemetery*] . .	Feb. 21.	Mar. 10.	Mar. 18.					
West Yorkshire . . . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					
Wexford, Carlow, and Dublin Junction . , . [*Railway*] . .	Mar. 3.							
Whitby and Pickering . . [*Railway*] . .	Feb. 7.	Feb. 27.	Mar. 4.					
Whitehaven and Furness Junction . . . . [*Railway*] . .								
Whittle Dean , . . [*Waterworks*] .	Feb. 28.	Mar. 19.						
Wilts, Somerset, and Weymouth . . , . [*Railway*] . .	Mar. 3.							
Winwick . . . . [*Rectory*] . .	Feb. 24.	Mar. 13.	Apr. 1.					
Wolverhampton , . . [*Waterworks*] .	Feb. 28.	Mar. 17.						
Yarmouth and Norwich . [*Railway*] . .	Feb. 28.	Mar. 19.						
Yoker . . . . . [*Road*] . .	Feb. 21.	Mar. 17.						
York and North Midland (Bridlington Branch) . . . [*Railway*] . .	Feb. 14.	Feb. 28.	Mar. 5.					
York and North Midland (Doncaster Extension) . [*Railway*] . .	Feb. 27.	Mar. 12.	Mar. 18.					
York and North Midland (Goole Branch) . . . . [*Railway*] . .	Feb. 14.	Mar. 5.	Mar. 10.					
York and North Midland (Harrogate Branch . . . [*Railway*] . .	Feb. 24.	Mar. 11.	Mar. 18.					
York and Scarborough (Deviation) . . . . . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					